

**Snohomish County Department of Public Works Proposed Code Amendments to  
Chapter 30.66B and Other Title 30 Sections Related to  
Concurrency and Road Impact Mitigation**

The Snohomish County Department of Public Works (DPW) is updating the Concurrency and Road Impact Mitigation requirements in Chapter 30.66B SCC and other Title 30 SCC code sections that need to be amended as a result of the changes Chapter 30.66B SCC.

This is a “Marked Up” version of the proposed amendments showing the code sections with the “Deleted Language” in ~~((parenthesis-strikeout form))~~ and the “Added Language” in underlined form.

Section X. Snohomish County Code Section 30.24.010, added by Amended Ordinance No. 12-049 on October 3, 2012, is amended to read:

**30.24.010 General requirements.**

The following regulations shall pertain to all development unless exempted pursuant to SCC 30.24.005 or more specific regulations are established within this chapter:

(1) Road networks and their associated stormwater facilities shall be designed and constructed according to titles 30 and 13 SCC, the EDDS and any other applicable local, state and federal requirements.

(2) The overall road network, including stormwater drainage facilities associated with a road network element shall be subject to approval of the county engineer, except when these powers are delegated to the department pursuant to SCC 13.01.020(3) and (4).

(3) Road network elements shall be connected pursuant to SCC 30.24.020.

(4) Road network connectivity, including the extension of opened or unopened right-of-way that abut a proposed development, shall be required unless the county engineer determines that unique circumstances of the site make extension of the road network impractical or infeasible. Unique circumstances of the site may include topography, the surrounding road network, soils, hydrology, or maintenance requirements.

(5) Internal road networks shall be designed to provide:

(a) Access and circulation that comply with SCC ~~((30.66B.420))~~ 30.66B.430;

(b) Emergency vehicle access consistent with the requirements of SCC 30.24.100 and 30.53A.512; and

(c) A connected road network rather than long, irregular loops with dead-ends and cul-de-sacs, except as provided for in SCC 30.24.010(4).

(6) Maintenance of private road network elements shall be the responsibility of:

(a) The applicable owners;

(b) A homeowners association; or

(c) Any other legal entity made up of all benefited property owners.

(7) Building and structural setbacks from road network elements shall be required pursuant to chapter 30.23 SCC unless otherwise modified.

(8) All privately owned road network elements, except for a drive aisle or driveway, shall be located in a tract or easement.

(9) All road network elements shall be clearly identified on site plans.

Section X. Snohomish County Code Section 30.31A.300, added by Amended Ordinance No. 02-064 December 9, 2002, is amended to read:

### **30.31A.300 Requirements for the final plan.**

(1) A planned development may be finalized as a whole or in successive divisions.

(2) The final plan for a planned development shall consist of the following for each division:

(a) A completed application form signed by the developer(s) of the project and by the property owner(s) if other than the developer;

(b) Prints of drawings, the number and scale determined by the director of the department, showing all the following information; however, the director may permit postponement of detailed building design information until application for building permits on each lot or site:

(i) site contours at five foot intervals, both existing and final where different, street layout and identification, size and shape of all building sites and lots, location of buildings, open space areas with any specific open space activity areas indicated;

(ii) final landscape plan, including plant locations and species sizes at planting, together with location and typical side or cross-section view of perimeter fencing or berms, if any;

(iii) plans for signing and lighting, including typical entrance treatment and entrance signs; and

(iv) plans for buildings and related improvements to a scale of at least one inch to 50 feet, showing:

(A) a typical plot plan for each type of building, including location of building entrance, driveway, parking, fencing, and sight screening;

(B) typical elevations (side views) of each type of building, including identification of exterior building materials;

(C) typical street and walkway cross-sections;

(D) plans for open space area improvements, if any;

(E) restrictive covenants as required, together with a statement from a private attorney as to their adequacy to fulfill the requirements of this chapter; and

(F) to ensure conformity, a short subdivision or subdivision, if required, shall be filed simultaneously with final plans. Final plan approval shall occur only after preliminary short subdivision or subdivision approval.

(3) Where no preliminary site plan has been required, the final plan shall also include:

(a) The names and addresses of the developer, land surveyor, engineer, architect, planner, and other professionals involved;

(b) A document satisfactorily assuring unified control through the final plan approval stage for the total zone;

(c) A vicinity sketch locating the development and defining the property boundaries of the development area;

(d) A description of intended type of uses and operations including timing of development, if phased, and management control;

(e) A tentative traffic and pedestrian circulation pattern within the development area and a traffic impact analysis, when required by the department of public works pursuant to ~~((SCC 30.66B.220(1)))~~ chapter 30.66B SCC;

(f) All existing structures and improvements within the development area which are to remain; and

(g) A statement of landscape maintenance provisions.

Section X. Snohomish County Code Section 30.66B.005, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.005 Purpose ~~((and applicability))~~.**

~~((4))~~ The purpose of this chapter is to ensure that public health, safety and welfare will be preserved by having a safe and efficient ~~((roads))~~ road system serving new and existing developments.

~~((2) The requirements of this chapter apply to all developments and road systems as defined in chapters 30.91D and 30.91R SCC, respectively.))~~

Section X. A new section is added to Chapter 30.66B of the Snohomish County Code to read:

**30.66B.006 Applicability.**

The requirements of this chapter and the department of public works (DPW) administrative rules shall apply to all developments and road systems as defined in chapters 30.91D and 30.91R SCC, respectively.

Section X. Snohomish County Code Section 30.66B.007, adopted by Ordinance No. 05-116 on November 21, 2005, is amended to read:

**30.66B.007 ~~((Delegation of))~~ Authority ~~((by Department of Public Works))~~.**

(1) The authority to review, modify, implement and make decisions concerning the provisions of this chapter, shall be vested in the department of public works (DPW).

(2) With the concurrence of the director, the director of the ~~((department of public works))~~ DPW may delegate any portion of the authority vested in the ~~((department of public works))~~ DPW under this chapter relating to development permit processing to the department of planning and development services, if the director of ~~((department of public works))~~ the DPW determines~~((, in his or her discretion,))~~ that the delegation will improve delivery of services in the development permitting process ~~((or serve the public health, safety, and welfare))~~. In delegating such authority, the director of the DPW may reserve the right of final decision.

Section X. Snohomish County Code Section 30.66B.010, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.010 Relationship to chapter 30.61 SCC.**

~~((1) The requirements of this chapter, together with the comprehensive plan, Title 13 SCC, and other development regulations and policies that may be adopted, constitute the basis for~~

~~review of development and the imposition of mitigation requirements due to the impacts of development on the transportation system.))~~

~~((2))~~(1) Mitigation measures required by or imposed through the authority of this chapter shall constitute adequate mitigation of adverse or significant adverse environmental impacts on the road system for the purposes of chapter 30.61 SCC to the extent that the ~~((director))~~ county engineer determines the specific impacts of the development are adequately addressed by this title in accordance with chapter 30.61 SCC.

~~((3))~~(2) The provisions of this chapter do not limit the ability of the county to impose mitigation requirements for the direct impacts of development on state highways pursuant to SCC 30.66B.710, or on city or town streets, or ~~((other))~~ another county's roads pursuant to SCC ~~((30.66B.710 and))~~ 30.66B.720.

Section X. Snohomish County Code Section 30.66B.015, last amended by Amended Ordinance No. 05-083 on December 21, 2005, is amended to read:

### **30.66B.015 Development mitigation requirements.**

~~((Any application for approval of or a permit for a development shall be reviewed by the department of public works to determine any mitigation requirements that may be applicable for the following:))~~

- ~~((1) Impact on road system capacity;))~~
- ~~((2) Impact on specific level of service deficiencies;))~~
- ~~((3) Impact on specific inadequate road condition locations;))~~
- ~~((4) Frontage improvements requirements;))~~
- ~~((5) Access and transportation system circulation requirements;))~~
- ~~((6) Dedication or deeding of right-of-way requirements;))~~
- ~~((7) Impact on state highways, city streets, and other counties' roads;))~~
- ~~((8) Transportation demand management measures; and))~~
- ~~((9) Impact on highways, roads and/or streets from large trucks generated by mineral operations permitted in accordance with chapter 30.31D SCC))~~

(1) All applications for development shall be reviewed to determine the impacts generated by the proposed development and any mitigation required that may be applicable to, or needed for, the following:

- (a) Safety of the users of the road system and right-of-way;
- (b) Capacity of the county road system;
- (c) Level-of-service deficiencies;
- (d) Inadequate road condition locations;
- (e) Frontage, off-site, and internal development improvement requirements;
- (f) Access and vehicle and pedestrian circulation requirements;
- (g) Dedication, deeding, or establishment of right-of-way;
- (h) Impact on state highways, city or town streets, and another counties' roads;
- (i) Transportation demand management (TDM) measures;
- (j) Large trucks generated by mineral operations permitted in accordance with chapter 30.31D SCC; and
- (k) Inventory of developments determined concurrent.

(2) Improvements to the road network either required as mitigation pursuant to this chapter or proposed by an applicant shall be designed and constructed in accordance with the county's Engineering Design and Development Standards (EDDS) and all other applicable provisions of this title.

Section X. Snohomish County Code Section 30.66B.020, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.020 Pre-submittal conference.**

(1) ~~((Any developer proposing a development that will generate three or more peak hour vehicle trips, is required to attend a pre-submittal conference with the department of public works before submitting the development application, except for those submitting applications for a duplex residential permit on a single lot.))~~ The applicant of the following types of development shall be required to attend a pre-submittal conference before submitting the development application:

(a) Subdivision;

(b) Short subdivision; or

(c) All other developments that will generate three or more peak hour vehicle trips.

(2) The purpose of the pre-submittal conference is to review the traffic related aspects of the development proposal ((;)) to determine ~~((if a traffic study is necessary, and to ensure that the application is submitted with adequate information for the review process.))~~ :

(a) The TSA impacted by the development based on:

(i) The location of the development;

(ii) If the proposed development straddles the line between TSA's,

(iii) If the proposed development is physically adjacent to another TSA, and

(iv) The TSA that receives the greatest traffic impacts.

(b) If a traffic impact analysis will be required by either:

(i) The county pursuant to SCC 30.66B.035;

(ii) WSDOT pursuant to SCC 30.66B.710; or

(iii) Any other city, town or county pursuant to SCC 30.66B.720.

(c) The scope of any required traffic impact analysis, except when, pursuant to subsection (7) of this section, an applicant chooses to leave the full scope of traffic impact analysis to be determined by the DPW during the county's first review of the application.

(3) ~~((The department of public works shall determine at the pre-submittal conference the need for a study and the scope of analysis of any study required.))~~ The determinations made by the DPW at the pre-submittal conference:

(a) Shall be shown on the presubmittal conference review form;

(b) May be changed by the DPW upon review of the initial development application.

(4) ~~((The transportation service area (TSA) in which a development is located will be determined at the pre-submittal conference. The department of public works will determine the transportation service area of developments that straddle a boundary, are physically adjacent to another transportation service area, or which generate the greatest traffic impacts in an adjacent TSA. The department of public works may change such determination upon review of the initial application))~~ A presubmittal conference review form shall be signed and dated by the appropriate

representatives of DPW and the applicant and will identify the traffic information that must be included with the development's initial application for it to be accepted by the County.

(5) ~~((The determinations made by the department of public works at the pre-submittal conference shall be shown on a scoping sheet that will be signed by the department of public works and the applicant or their representatives. The scoping sheet shall remain valid for 90 days after signature. A valid scoping sheet must accompany any application for a development generating three or more peak-hour trips))~~ A signed and dated presubmittal conference review form shall remain valid for 90 days after signature by the DPW representative.

(6) A valid signed and dated presubmittal conference review form shall be required to be submitted concurrently with the initial development application.

~~((6))~~ (7) A developer ((may choose)) who chooses to provide only trip generation or trip distribution with the initial application and leave the full scope of traffic impact analysis to be determined by the ((department of public works)) DPW during its preliminary review of the application, must notify the DPW representative at the presubmittal conference. In such cases, the ((department of public works)) DPW will recommend in its first written traffic-related comments to the department of planning and development services, a requirement for additional traffic analysis to be provided by a traffic consultant approved by the ((department of public works)) DPW and paid for by the developer.

Section X. Snohomish County Code Section 30.66B.025, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

### **30.66B.025 Completeness determination.**

~~A development application shall not be considered complete until all traffic studies or data required in accordance with SCC 30.66B.035 or required as a result of the pre-submittal conference of SCC 30.66B.020 are received.~~

Section X. Snohomish County Code Section 30.66B.030, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.030 Identification of other agencies with jurisdiction.**

(1) The ((developer)) applicant of a proposed development is responsible for identifying all local, state or federal agencies that may have jurisdiction and all permits and approvals required by those agencies ((for the proposed development)).

(2) To the extent known by the ((department of public works)) DPW, ((agencies of)) other local, state, or federal ((governments)) agencies that may have jurisdiction over the development or permits or approvals necessary for development approval related to transportation will be identified at the pre-submittal conference ((or in the notification regarding application completeness)).

(3) ((Where)) When there are changes in the development that result in the need for a new or additional review by other ((jurisdictions)) local, state or federal agencies or require additional permits or approvals regarding transportation, the ((department of public works will, to the extent known, identify those agencies that have jurisdiction in a supplemental notification to the developer)) applicant will be notified.

(4) ~~The ((department of public works))DPW~~ will cooperate with the Washington State Department of Transportation (WSDOT), cities, towns, other counties, and other agencies concerning identification of necessary access permits, approvals, developer agreements, or other conditions related to transportation, ~~that are associated with the development.~~

(5) Transportation-related permits and approvals may include, but are not limited to, WSDOT access permits, other city, town or ~~((county))~~ county's access permits, WSDOT public road/state route intersection approvals, railroad grade crossing or signalization approvals, or public utility easement crossing approvals.

Section X. Snohomish County Code Section 30.66B.035, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

**30.66B.035 Traffic ~~((study))~~ impact analysis - when required.**

~~((1) A development adding more than fifty peak hour trips shall be required to provide a traffic study to enable the department of public works to make a concurrency determination in accordance with SCC 30.66B.125, unless the department determines at the pre-submittal conference that a study is not required.))~~

~~((2) Applicants for mineral operations submitted in accordance with chapter 30.31D SCC shall be required to provide a traffic study to enable the department of public works to analyze and assess appropriate mitigation for impacts to the road system resulting from the activity.))~~

~~((3) A traffic study may be required of a developer to analyze a potential inadequate road condition pursuant to SCC 30.66B.210.))~~

~~((4) A developer shall provide a traffic study for developments that add three or more peak hour trips when the department of public works determines there is a need for additional information on:~~

~~(a) Impacts of the development on any arterial units in arrears and/or designated ultimate capacity arterial units;~~

~~(b) A development's traffic distribution;~~

~~(c) A possible inadequate road condition;~~

~~(d) Adequacy of any road system impact fee required pursuant to this chapter, in representing reasonable and/or adequate mitigation for that particular development; or~~

~~(e) A suspected traffic impact that may warrant mitigation beyond that provided through the road system impact fee payment system.))~~

~~((5) The traffic study will consist of at least a traffic generation and distribution analysis but may be as extensive as analyzing all arterial units on the road system wherever three or more peak hour trips from the development are added.))~~

~~((6) A traffic study or other additional information may be required as a result of changes in the development proposal.))~~

~~((7) The director of public works may waive the requirement for a traffic study and so state the finding in the pre-submittal conference scoping sheet, if the director finds there is sufficient information known about a development's road system from previous traffic studies. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.))~~

~~((8) Developments impacting roads under the jurisdiction of the WSDOT, a city or another county, shall provide a traffic study to address impacts of the development, as may be required in an interlocal agreement pursuant to SCC 30.61.230(6) with the WSDOT, city or other county.))~~

A traffic impact analysis (TIA) shall be utilized by the DPW to; analyze and assess appropriate mitigation for impacts to the road system resulting from a proposed development, make a concurrency determination in accordance with SCC 30.66B.125 and maintain the inventory of developments determined concurrent in accordance with SCC 30.66B.132.

(1) A TIA, except when waived pursuant to subsection (5) of this section, shall be required for any proposed development, including an application for a pre-application concurrency determination pursuant to SCC 30.66B.175, that will:

(a) Impact a key intersection with three or more directional peak hour trips;

(b) Impact an arterial unit designated in arrears in the critical time and direction with three or more peak hour trips;

(c) Add three or more peak-hour trips to a:

(i) Arterial unit determined to be either multimodal or at ultimate capacity; or

(iii) Existing inadequate road condition (IRC);

(d) Cause an IRC at the time of full occupancy of the development.

(2) The TIA shall at a minimum consist of a developments trip generation and distribution which identifies:

(a) All arterial units within the developments TSA which are or designated at ultimate capacity which are impacted by three or more peak-hour trips from the development;

(b) All key intersections within the developments TSA which are impacted by three or more directional peak-hour trips from the development;

(c) All arterial units determined to be at risk or in arrears which are impacted by three or more peak-hour trips from the development;

(d) The developments impacts to roads under the jurisdiction of the WSDOT, a city, town or other county, as may be required in an interlocal agreement with the WSDOT pursuant to SCC 30.66B.710, and/or with a city, town or other county pursuant to SCC 30.66B.720; and

(e) A future level-of-service forecast in accordance with SCC 30.66B.145 for developments that generate more than 50 a.m. or p.m. peak hour trips. Provided, that a future level-of-service forecast may be required by the county engineer for the purposes of making a concurrency determination for developments generating fifty or less peak hour trips that impact an arterial unit on the critical list with three or more directional peak hour trips when, in the county engineers professional engineering judgment, the future level-of-service forecast is needed to determine if the developments traffic may cause the arterial unit to be determined in arrears.

(3) The TIA will be prepared in accordance with the provisions of this chapter and the DPW administrative rules and will include the stamp and signature of the engineer responsible for preparing the TIA.

(4) The county engineer may require a TIA be revised or additional information provided as a result of changes in the development proposal.

(5) If the county engineer determines there is sufficient existing information known from previous TIAs to analyze and assess the appropriate mitigation for impacts to the road system resulting from a proposed development, the county engineer may waive the requirement for a TIA and so state the finding in the pre-submittal conference- review form. In such cases, the



existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

(6) When determined by the DPW that more detail is needed to either determine the scope of a TIA or to help coordinate the involvement of different parties, the applicant may be required to attend a TIA Scoping Meeting. The meeting may include staff from other involved agencies, representatives from other developments whose TIAs may overlap and other county departments.

Section X. Snohomish County Code Section 30.66B.040, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.040 Traffic ((study)) impact analysis - author's requirements and qualifications.**

((Traffic studies shall be conducted under the direction of a responsible individual or firm acceptable to the director of public works. More complex studies requiring expert analysis and opinion beyond the compilation of available data shall be conducted by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and, preferably, membership in the institute of transportation engineers (ITE). The developer shall provide to the director of public works the credentials of the individuals selected to perform traffic studies certifying compliance with the foregoing.))

(1) A TIA shall only be prepared by an engineer licensed to practice in the state of Washington who is listed on the DPW approved traffic engineer list to the level of complexity the engineer is approved for. The TIA shall be prepared in accordance with the provisions of this chapter and the DPW administrative rules and shall include the stamp and signature of the engineer responsible for preparing the TIA.

(2) A TIA for developments that generate more than 50 a.m. or p.m. peak hour trips or for more complex developments that generate 50 or less a.m. or p.m. peak hour trips, requires expert analysis and opinion beyond the compilation of basic trip generation and distribution data, and shall be conducted by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and, preferably, membership in the institute of transportation engineers (ITE).

(3) When requested by the county engineer, the engineer whose stamp and signature is on the TIA shall provide their credentials and experience certifying compliance with SCC subsection (2) of this section.

Section X. Snohomish County Code Section 30.66B.045, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.045 Review of traffic ((study)) impact analysis.**

((The director of public works shall review any required traffic study for accuracy and proper methodology and may use the study's conclusions in arriving at the department's recommendation under 30.66B.050. Additional information or actual traffic counts may be requested to verify traffic study conclusions or traffic analysis.))

(1) The DPW shall review a TIA for accuracy and proper methodology and may use the conclusions reached in that review in arriving at the county engineer's recommendation pursuant

1 to SCC 30.66B.050. Additional information or actual traffic counts may be requested to verify  
 2 the analysis of, methodology used, and conclusions reached in the TIA.

3 (2) The DPW may choose to not accept or review a TIA that is not signed and stamped by  
 4 the engineer responsible for TIA.

5  
 6 Section X. Snohomish County Code Section 30.66B.050, adopted by Amended  
 7 Ordinance No. 02-064 on December 9, 2002, is amended to read:

8 **30.66B.050 ((Director of public works')) County engineer's recommendation on**  
 9 **approval of development.**

10 (1) The ~~((director of public works))~~ county engineer shall only recommend approval of a  
 11 development if ~~((, in the director's opinion, adequate provisions for public roads, access, and~~  
 12 ~~mitigation of the transportation impacts of the development are made as provided in the county's~~  
 13 ~~development regulations, SEPA, and this chapter))~~ ;

14 (a) The development is determined concurrent in accordance with this chapter; and  
 15 (b) Adequate provisions for public roads, access, and mitigation of the developments  
 16 transportation impacts are made as provided in this title and title 13 SCC.

17 ~~((2) The director of public works shall only recommend approval of a development if the~~  
 18 ~~development is determined concurrent in accordance with this chapter.))~~

19 ~~((3))~~ (2) In approving or permitting a development, the approving authority shall ~~((consider~~  
 20 ~~the director of public works' recommendations and act))~~ ;

21 (a) Grant deference and give substantial weight to the county engineer's recommendations;  
 22 and

23 (b) Act in conformity with this chapter.

24  
 25 Section X. Snohomish County Code Section 30.66B.055, last amended by Amended  
 26 Ordinance No. 03-127 on November 5, 2003, is amended to read:

27 **30.66B.055 Imposition of mitigation requirements.**

28 (1) The county, following review of any required traffic impact analysis and all other  
 29 pertinent data, including a future level of service forecast if applicable, shall impose mitigation  
 30 required under this chapter ~~((as a condition of approval of development.))~~ on the development  
 31 and shall document the required mitigation in writing in the:

32 (a) Project review comments;

33 (b) County engineer's recommendation pursuant to SCC 30.66B.050; and

34 (c) Approving authority's decision.

35 (2) Mitigation imposed as a condition of approval shall expire ~~((on the expiration date of the~~  
 36 ~~concurrency determination for a development. Any building permit application submitted after~~  
 37 ~~the concurrency expiration date shall be subject to full reinvestigation of traffic impacts under~~  
 38 ~~this chapter before the building permit can be issued. Determination of new or additional impact~~  
 39 ~~mitigation measures shall take into consideration, and may allow credit for, mitigation measures~~  
 40 ~~fully accomplished in connection with the prior approval when those mitigation measures~~  
 41 ~~addressed impacts of the current building permit application.))~~ in accordance with the following:

(a) For subdivisions, short subdivisions and binding site plans the mitigation imposed shall expire with the development application, or if preliminary approval is granted, with the expiration of the preliminary approval; or

(b) For all other development the mitigation imposed shall expire when the underlying development application has expired, or if a permit is issued, with the expiration of the permit.

~~((3) The director of public works, following review of any required traffic study and any other pertinent data, shall inform the developer in writing of the mitigation required pursuant to this chapter.))~~

~~((4)) (3) ((If a development proposes transportation demand management measures or measures to mitigate impacts on roads under the jurisdiction of another agency, the applicant must provide a written proposal to the department of public works describing those measures. The director of public works shall review the developer's proposal and provide a recommendation of approval or denial of the development application to the department as required by SCC 30.66B.050, based on the requirements of this chapter. If the developer has not submitted a written proposal by the time the department of public works makes its written recommendation on the case to the department, the director of public works will recommend denial.)) If a proposed development, in accordance with the provisions of either chapter 30.61 SCC or an interlocal agreement pursuant to SCC 30.66B.177, is required to mitigate impacts on roads under the jurisdiction of another agency, the applicant shall provide a written proposal describing those proposed measures. The county engineer's recommendation pursuant to SCC 30.66B.050, shall include language indicating that:~~

~~(a) The county engineer has determined the proposed mitigation measures will mitigate the developments impacts on the roads under the jurisdiction of the other agency and any appropriate conditions to ensure compliance; or~~

~~(b) The county engineer is recommending denial of the development because either the applicant has not submitted a written proposal or the county engineer has determined that the proposed mitigation measures will not adequately mitigate the developments impacts on the other agency's roads.~~

~~((5)) (4) Required mitigation measures shall be binding on the real property that is ((legally)) described in the development application and shown on the approved site development plan and will be administered in accordance with the applicable provisions of ((SCC 30.66B.070)) this chapter.~~

Section X. Snohomish County Code Section 30.66B.057, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.057 ~~((Review of duplex residential building permit applications))~~ Authority to limit mitigation.**

(1) ~~((A duplex residential building permit for a lot for which necessary mitigation as required by this chapter was not provided at the time of lot creation, will be issued by the director only after appropriate mitigation is provided in conformance with this chapter.))~~ The county engineer shall have the authority to limit mitigation required by this chapter for the following types of development, provided that the county engineer determines the impacts to the road system would be de minimus and the mitigation required would be disproportionate to those impacts, and in doing so it would not impact public safety:

(a) A duplex on a lot for which necessary mitigation as required by this chapter was not provided and/or required at the time of lot creation; or

(b) Any development, except for a residential subdivision or short subdivision, that will generate less than 10 new average daily trips (ADT).

~~(2) ((The director of public works is not required to review duplex residential building applications. Application forms for all duplex residential building permits shall be accompanied by a statement that development of every lot in the county with a new duplex residence will have an impact on the road system that must be mitigated. The statement shall outline the options available to the developer for providing necessary mitigation as required by this chapter. An applicant shall inform the department of the applicant's mitigation choice at the time of permit issuance.))~~ The minimum mitigation imposed by the county engineer for those developments identified in subsection (1) of this section shall be:

(a) Deeding of right-of-way in accordance with SCC 30.66B.510 and .520;

(b) The payment of a road system impact fee in accordance with SCC 30.66B.310. and

(c) Frontage improvements in accordance with subsection (3) of this section.

(3) The county engineer may reduce the frontage improvement requirement to only that necessary to ensure a new or existing access complies with the current EDDS when:

(a) The access to the proposed development is over 1,320 feet from a proposed or existing public facility, such as, but not limited to, a school, park or bus stop, or other types of attractors such as a neighborhood business; and

(b) The lot on which the development is proposed abuts a public road and no full standard frontage improvements exist on the same side of the public road within:

(i) 150 feet of either side of the lot, when the lot is in the urban area; or

(ii) 1,320 feet of either side of the lot, when the lot is in the rural area.

Section X. Snohomish County Code Section 30.66B.060, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.060 Authority to deny development -- excessive expenditure of public funds.**

If the location, nature, or timing of a proposed development necessitates the expenditure of public funds in excess of those currently available and allocated for the necessary road improvement or is inconsistent with priorities established to serve the general public benefit, and provision has not otherwise been made to meet the mitigation requirements as provided in this chapter, the county may deny the permit for the development. As an alternative, the county may allow the developer to alter the proposal so that the need for road improvement is lessened or may provide the developer with the option of bearing all or more than the ~~((development's))~~ developments proportionate share of the required road improvement costs.

Section X. Snohomish County Code Section 30.66B.065, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.065 Authority to withhold or condition administrative permits or approvals.**

~~((The director shall have discretion under this chapter to refuse to issue an administrative permit or approval when applicable provisions of this chapter have not been met. The director may~~

~~condition issuance of a certificate of occupancy or final inspection approval of any administrative permit or approval upon compliance with this chapter.))~~ The county engineer shall have the authority to withhold or condition the issuance of an administrative permit, approval or a temporary or permanent certificate of occupancy, when the county engineer determines that applicable provisions of this chapter have not been met.

Section X. Snohomish County Code Section 30.66B.070, last amended by Amended Ordinance No. 10-86 on October 20, 2010, is amended to read:

**30.66B.070 Record of development obligations.**

~~(((4) Satisfaction))~~ The record of development obligations is a notice to subsequent purchasers of a property that is subject to obligations imposed by the county related to a specific development on the property. The satisfaction of development obligations is required ((as a pre-condition to development approval, unless the development obligation is deferred to issuance of subsequent building permit necessary to initiate the development.)) in accordance with the following:

~~(((a)))~~ (1) For subdivisions and short-subdivisions, any development obligations that will be deferred to the building permit stage or later, will be recorded on the final plat. All development obligations related to subdivisions and short-subdivisions that are not deferred to the building permit ((issuance)) stage or later, shall be satisfied prior to the recording of the final plat.

(2) For all binding site plans and non-residential subdivisions and short-subdivisions in which the satisfaction of development obligations is deferred to the building permit stage, the record of development obligations shall be recorded on the title of the property on which the development is located prior to the recording of the binding site plan or the non-residential subdivision or short-subdivisions.

(3) For urban center developments and developments authorized through the issuance of a conditional use or administrative conditional use permit, the record of development obligations shall be recorded on the title of the property on which the development is located as a pre-condition of approval.

~~(((b)))~~ (4) For all other development ((other than subdivisions and short-subdivisions in which)) the recording of a record of development obligations shall not be required and the satisfaction of development obligations ((is deferred, the record of development obligations shall be recorded on the title of the property on which the development is located)) shall be completed prior to the final of the building permit or issuance of a certificate of occupancy. Provided, that right-of-way shall be deeded pursuant to SCC 30.66B.540.

~~(((2)))~~ (5) The ((form of the)) record of development obligations shall ((be as follows)) contain the following information as applicable:

(a) ((For all developers required as a condition of approval under this chapter to meet transportation demand management (TDM))) A description of any on-site or off-site TDM measures or payments needed for the fulfillment of any TDM requirements, ((or to mitigate impacts on roads under the jurisdiction of another agency, the record of development obligations shall state the measures proposed by the developer pursuant to SCC 30.66B.055(4))) including any timing restrictions on the satisfaction of the TDM requirements.

1 (b) ~~((For developers choosing to construct offsite improvements to satisfy a transportation~~  
 2 ~~impact mitigation obligation of a development, the record of development obligations shall~~  
 3 ~~describe the offsite improvements to be constructed by the developer.))~~

4 ~~((c) For all developments required as a condition of approval to pay a road system impact~~  
 5 ~~fee under the authority provided to the county under RCW 82.02.050(2), the document stating~~  
 6 ~~the mitigation requirements imposed shall be a record of development obligations))~~ The amount  
 7 and timing of payment for any required road system impact fee.

8 ~~((d))~~ (c) ~~The ((record of development obligation shall document the ))~~ concurrency  
 9 determination for the development including the concurrency determination date, the  
 10 concurrency expiration date, and any conditions that have to be satisfied ~~((by the developer prior~~  
 11 ~~to building permit issuance))~~ and any timing restrictions on the satisfaction of the conditions.

12 (e) A complete legal description of the real property which is the subject of the  
 13 development.

14 (f) Any development and/or road system events triggering subsequent phases or parts of  
 15 the mitigation measures.

16 ~~((3))~~ (6) Where the developer is either not the legal owner or the sole legal owner of the  
 17 property on which the development is proposed, the legal owners shall sign a statement  
 18 acknowledging and agreeing that the mitigation measures imposed as a condition of development  
 19 approval, and identified in the record of development obligations, will be binding on the real  
 20 property and will run with the land until the development approval has either expired, been  
 21 withdrawn or the ((obligations contained within the document or agreement)) mitigation  
 22 measures imposed have been fulfilled. The statement shall be attached to the record of  
 23 development obligations.

24 ~~((4) The record of development obligations shall contain, as appropriate, a complete legal~~  
 25 ~~description of the real property which is the subject of the development, an adequate description~~  
 26 ~~of the mitigation measures, the development and/or road system events triggering subsequent~~  
 27 ~~phases or parts of the mitigation measures, and notice to subsequent purchasers of the mitigation~~  
 28 ~~obligations related to development of the property. The continued validity of the development~~  
 29 ~~permit approval shall be conditioned upon adequate compliance with terms and conditions of the~~  
 30 ~~mitigation measures and the written agreement.))~~

31 ~~((5))~~ (7) ~~((Voluntary))~~ The recording of either voluntary agreements ((and)) for mitigation  
 32 measures or the record((s)) of development obligations shall be ((recorded as a)) required:

33 (a) As a precondition to approval ((ef)) for conditional and administrative conditional use  
 34 permits, ((and)) rezone applications accompanied by an official site plan, an urban center  
 35 development, or ((at the time of recording for binding site plans for nonresidential use. If the  
 36 development is a subdivision or short subdivision for non residential use, voluntary agreements  
 37 and records of development obligations shall be recorded prior to or at the time of recording.)) a  
 38 residential binding site plan development; or

39 (b) Prior to or at the time of recording for a non-residential binding site plan, subdivision  
 40 or short subdivision.

41 ~~((6))~~ (8) Voluntary agreements and records of development obligations will be released  
 42 from the title of the property on which the development is proposed upon request from the  
 43 current property owner to the ~~((director of public works))~~ county engineer once the development  
 44 approval has ~~((expired or the obligations contained within the document or agreement have been~~  
 45 ~~fulfilled))~~ either expired, been withdrawn or the mitigation measures imposed have been  
 46 fulfilled.

Section X. Snohomish County Code Section 30.66B.080, last amended by Amended Ordinance No. 05-092, on December 21, 2005, is amended to read:

**30.66B.080 Authorization for administrative rules.**

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The director of ~~((public works is))~~ the DPW or the county engineer are hereby authorized to adopt administrative rules pursuant to chapter 30.82 SCC to administer this chapter. The administrative rules shall set forth any necessary procedural requirements ~~((for developers to follow))~~ to allow for the efficient processing of development applications. ~~((The director of public works shall adopt administrative rules on at least the following topics))~~ The list of topics the director of the DPW or the county engineer may adopt administrative rules for shall include, but is not limited to, the following:

- (1) Traffic ~~((studies))~~ impact analysis' (TIA): scope, format, required elements, processing and review in accordance with sound transportation engineering and planning principles;
- (2) Level-of-service determination: methodology, data collection, forecasting;
- (3) ~~((Transit compatibility))~~ Multimodal arterials: ((transit supportive)) criteria for designating arterials ~~((, compatibility of development))~~ as multimodal for concurrency purposes;
- (4) Inadequate road condition~~((s))~~ (IRC): criteria for identification;
- (5) Frontage improvements: standards, variables;
- (6) Mitigation measures: extent, timing, and agreements;
- (7) Master road improvement programs: processing;
- (8) ~~((Transportation demand management (TDM)))~~ TDM for developments;
- (9) Review of applications for mineral operations submitted in accordance with chapter 30.31D SCC generating significant numbers of large trucks including ~~((traffic study))~~ TIA requirements~~((, impact analysis,))~~ and mitigation requirements;
- (10) Ultimate capacity designations consistent with SCC 30.66B.110; and
- (11) Concurrency requirements for certain public facilities needed to support ~~((residential))~~ development.

Section X. Snohomish County Code Section 30.66B.085, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.085 Transportation needs report.**

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The director of the DPW is authorized to adopt and update a ~~((transportation needs report))~~ TNR based on and consistent with the transportation element and capital facilities element of the comprehensive plan. The purpose of the ~~((transportation needs report))~~ TNR is to quantify the continuing need for road improvements on the road system anticipated by projected growth. The ~~((transportation needs report))~~ TNR shall be used in evaluating the traffic impact of developments and determining the road system impact fee cost basis.

Section X. Snohomish County Code Section 30.66B.100, last amended by Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

**30.66B.100 Level-of-service standards.**

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(1) The county has adopted level of service (LOS) standards for county arterials in the comprehensive plan. The ~~((department of public works))~~ DPW will plan, program, and construct transportation system capacity improvements for the purpose of maintaining these adopted level-of-service standards in order to facilitate new development that is consistent with the comprehensive plan.

(2) The minimum ~~((level of service))~~ LOS standards are established in the transportation element of the county comprehensive plan and are set forth in SCC 30.66B.101 and SCC 30.66B.102. The determination of whether or not an arterial unit meets the adopted ~~((level of service))~~ LOS standards is as follows:

(a) First, using the ~~((level of service))~~ LOS standard based on average daily trips (ADT) adopted in SCC 30.66B.101, weekday, two-way, 24-hour volumes are used to measure ADT, consistent with ~~((department of public works))~~ the DPW administrative rules establishing details on the methodology, frequency and validity of traffic counts. ADT thresholds, set forth in SCC 30.66B.101, vary by urban/rural classification, number of lanes and whether or not arterial units have been designated as ultimate capacity pursuant to SCC 30.66B.110. If the ADT on an arterial does not exceed the appropriate threshold identified in SCC 30.66B.101, the arterial unit meets the county's LOS standard.

(b) If the ADT on an arterial unit exceeds the appropriate threshold identified in SCC 30.66B.101, the average travel speed is evaluated.

(c) If the average travel speed on the arterial unit falls below the appropriate threshold identified in SCC 30.66B.102, then the ~~((level of service))~~ LOS on the arterial unit does not meet the county's LOS standard.



Section X. Snohomish County Code Section 30.66B.101, last amended by Amended Ordinance No. 09-004 on March 4, 2009, is amended to read:

**30.66B.101 Transportation Level of Service Standard: Average Daily Trip (ADT) Thresholds.**

**Table 30.66B.101**

**Thresholds Measured as Number of Average Daily Trips (ADT)**

Arterial Unit NOT Designated As Ultimate Capacity			Arterial Unit Designated As Ultimate Capacity	
Number of Lanes	Rural	Urban	Rural	Urban
2	4,000	7,000	18,000	22,000
3	5,000	9,000	27,000	33,000
4	7,000	12,000	36,000	44,000
5	n/a	15,000	45,000	55,000
6	n/a	16,000	54,000	66,000
7	n/a	21,000	63,000	77,000

Section X. Snohomish County Code Section 30.66B.100, last amended by Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

**30.66B.102 Transportation Level-of Service Standards: Average Travel Speed.**

**Table 30.66B.102**

**Thresholds Measured as Average Travel Speed**

Rural/Urban Arterial Unit Classification	<u>Multimodal Arterial Units</u> <sup>(1)</sup>	<del>((Transit Compatibility and))</del> Qualifying Public Facilities <sup>(2)</sup>	Average Travel Speed Standard <sup>(3),(4)</sup>
Rural	<u>NA</u>	No	C <del>((<sup>(3)</sup>))</del>
		Yes	D <del>((<sup>(3)</sup>))</del>
Urban	<u>No</u>	No	E <del>((<sup>(4)</sup>))</del>
	<u>Yes</u>	Yes	Five <del>((<sup>(5)</sup>))</del> miles per hour less than E <sup>(5)</sup>

Note: The reference notes in this table (1-5) are set forth in SCC 30.66B.103 (1-5)

Section X. Snohomish County Code Section 30.66B.103, adopted by Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

### **30.66B.103 Reference Notes for SCC 30.66B.102.**

(1) ~~((Transit compatibility))~~ The minimum criteria and process for designating an arterial unit as multimodal are established ((by)) pursuant to the department of public works' administrative rules ((in accordance with SCC 30.66B.080)) and are to include, but are not limited to, such factors as frequency of bus service, employment and population densities within one quarter mile of all transit stops on the arterial unit, and availability of ((pedestrian)) non-motorized facilities.

(2) The lower travel speed ~~((standard))~~ threshold only applies to certain public facilities needed to support residential development. ~~((Public developments))~~ A proposed development for a public facility needed to support residential development which ((use)) utilizes the lower travel speed ((standard)) threshold to achieve concurrency, shall provide additional ((road mitigation in the form of transit compatibility or transportation demand management (TDM) in accordance with)) TDM pursuant to SCC 30.66B.166. The determination of whether or not a proposed ((development)) public facility qualifies for the lower travel speed ((standard)) threshold shall be based upon the following criteria with additional specificity provided by-((department of public works)) the DPW administrative rules ((-)) :

(a) The development proposed by the public agency is needed to support residential development that is already constructed, approved or deemed concurrent, and

(b) ~~((the))~~ The public agency submitting the application for development is directed by a publicly elected official or board, and

(c) ~~((the))~~ The location of the public agency's facility is constrained by established legal or public ((districts)) district boundaries, and

(d) ~~((siting))~~ Siting the ((development)) public facilities in the proposed location would provide a legitimate public benefit to the occupants of the residential areas supported by the public facilities.

(3) The letter grades for ~~((roads))~~ arterials classified as rural correspond to varying travel speeds, depending on the length of the specific arterial unit and the number of controlled intersections. The method used to determine the thresholds is established ~~((by department of public works rules in accordance with SCC 30.66B.080 based on the principles of))~~ in the Highway Capacity Manual published by the Transportation Research Board.

(4) The letter grades for ~~((roads))~~ arterials classified as urban correspond to varying travel speeds as established in the Highway Capacity Manual published by the Transportation Research Board and depend on characteristics of the arterial.

(5) For urban ~~((roads))~~ arterials that are ~~((transit compatible))~~ designated multimodal, Snohomish County applies a five ~~((5))~~ mph reduction to the average travel speed ~~((minimums for urban arterials)).~~

Section X. Snohomish County Code Section 30.66B.110, last amended by Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

**30.66B.110 Designation of ultimate capacity.**

(1) When the county council determines that excessive expenditure of public funds is not warranted for the purpose of making further improvements on certain arterial units, the county council may designate, by motion, following a public hearing, such arterial unit as being at ultimate capacity.

(2) The designation of an arterial unit at ultimate capacity by the county council:

(a) ~~((Designation of ultimate capacity shall))~~ Shall include a commitment by the county to complete an access management and circulation plan for the arterial unit and a commitment by the county for specific, additional road improvements, transportation system management (TSM) actions, access management improvements, and/or ~~((transportation demand management (TDM)))~~ TDM actions for the purpose of improving efficiency, preserving roadway capacity, and improving operations. In addition, any known improvements needed to address safety issues must be identified in conjunction with such ultimate capacity designation.

(b) ~~((The designation of an arterial unit at ultimate capacity by the county council will))~~ Will be initiated by an engineer's report and written recommendation from the director of public works evaluating whether or not a given arterial unit is a candidate for ultimate capacity based on the criteria in ~~((SCC 30.66B.110(2)))~~ subsection (5) of this section and ~~((related rules adopted by the Department))~~ the DPW administrative rules.

~~((c))~~ (3) Arterial Unit," under this section, shall mean the existing facility plus any improvements which are fully funded and programmed for construction within six years.

~~((d))~~ (4) The recommendation by public works and the designation by the county council must identify the specific growth management objective(s) that support(s) the designation of ultimate capacity for that particular arterial unit.

~~((2))~~ (5) A recommendation of ultimate capacity by public works and a designation by the county council of ultimate capacity may be appropriate if one or more of the following conditions are met for a particular arterial unit:

(a) The total number of vehicle lanes is consistent with the adopted transportation element of the county comprehensive plan and the facility meets the ~~((standards of the Engineering Design and Development Standards (EDDS)))~~ EDDS; or

(b) All of the following apply:

(i) The number of general-purpose travel lanes (excluding turn lanes) is consistent with the adopted transportation element ~~((, appropriate))~~;

(ii) Appropriate improvements are made at key intersections to provide for efficient traffic flow ~~((, adequate))~~;

(iii) Adequate provisions are made to accommodate pedestrian and bicycle demand ~~((,))~~; and ~~((there))~~

(iv) There are physical, environmental, existing structures or other constraints that preclude additional cost effective improvements; or

(c) The county arterial is experiencing a decrease in level of service ~~((, the source))~~ and the:

(i) Source of which is attributable to another agency's transportation facility ~~((, the conditions))~~ ;

(ii) Conditions of subsection ((2)(b) above) (5)(b) of this section are all met (~~(, and the county)~~) ;

(iii) County section of road approaching the other agency's facility meets the ((standards of the)) EDDS ((, the number)) ;

(iv) Number of lanes on the county approach is consistent with the adopted transportation element ((, additional)) ;

(v) Required left-turn or right-turn lanes are provided on the county approach to maximize efficiency on the county approach and where appropriate to match the ultimate lane configuration of the other agency's transportation facility ((;) ; and ((the))

(vi) Length of turn lanes on the county approach is designed to accommodate forecast demand.

~~((3))~~ (6) Developments impacting arterial units designated as ultimate capacity will be required to provide additional mitigation pursuant to SCC ((30.66B.160(2)(e))) 30.66B.160(2)(d) for the purpose of improving efficiency, preserving roadway capacity, and improving operations.

Section X. Snohomish County Code Section 30.66B.120, last amended by Amended Ordinance No. 03-127 on November 5, 2003, is amended to read:

### **30.66B.120 Concurrency determination - required.**

A concurrency determination shall be required for all proposed development regulated under this chapter to ensure that the development will not impact or create a county arterial unit in arrears. For the purposes of this chapter, except where otherwise provided, a pre-application concurrency determination shall mean the same as a regular concurrency determination.

(1) ((The department of public works shall make a concurrency determination for each development application to ensure that the development will not impact a county arterial unit in arrears. The approving authority shall not approve any development that is not determined concurrent under this chapter.)) The DPW, following receipt of a development application subject to the provisions of this chapter, shall make a concurrency determination in its first written traffic-related comments to the department pursuant to the requirements of this chapter and the DPW administrative rules. The concurrency determination shall document in writing, the methodology and information used in making the concurrency determination. The approving authority shall not approve any development that is not determined concurrent under this chapter.

(2) A concurrency determination shall state if:

(a) ((When the concurrency determination was made (the concurrency determination date);)) The development is concurrent, and if so:

(i) The date the concurrency determination was made (the concurrency determination date);

(ii) The date the concurrency determination will expire (the "concurrency determination expiration date"); and

(iii) Whether the concurrency determination is conditioned upon satisfaction of specific conditions, and if so, list the specific conditions and the timing of when they are to satisfied.

(b) ((Whether the concurrency determination is conditioned upon satisfaction of specific conditions, and)) The development is not concurrent, and if not, why; or

(c) ~~((The expiration date of the concurrency determination (the "concurrency expiration date")) Additional information is needed to make a concurrency determination, and if so, identify the information needed.~~

(3) When the concurrency determination for a binding site plan, non-residential subdivision, non-residential short subdivision, or urban center has expired, any subsequent building permit application for development within the binding site plan, non-residential subdivision, non-residential short subdivision, or urban center will be evaluated for concurrency as a new stand-alone development application in accordance with the provisions of this chapter.

(4) When the concurrency determination for a conditional or administrative conditional use permit, where there are no associated building permits, has expired prior to the conditional or administrative conditional use permit being issued final approval.

(5) No additional concurrency determination is required for residential dwellings within a residential subdivision or residential short subdivision that has received a concurrency determination pursuant to this chapter and receives preliminary subdivision or short subdivision approval or final plat or short plat approval in compliance with this title.

(6) A concurrency determination is tied to the development application upon which the determination is made, cannot be transferred to another application, and always expires in cases in which the underlying application expires.

Section X. Snohomish County Code Section 30.66B.125, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

#### ~~((30.66B.125 Concurrency determination - process.))~~

~~((1) The department of public works shall make a concurrency determination following receipt of a development application and review of appropriate traffic data. Forecasts used in making concurrency determinations shall be in accordance with SCC 30.66B.145. The department of public works will include a concurrency determination in its first written traffic-related comments to the department following receipt of the application or receipt of other required information or analysis.~~

~~((2) In its concurrency determination, the department of public works shall find that, at the time of the determination, the development is concurrent, the development is not concurrent, or that additional information is needed to determine whether or not the development is concurrent. The department of public works will document in writing the methodology and information used in making the concurrency determination.))~~

Section X. Snohomish County Code Section 30.66B.130, last amended by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

#### **30.66B.130 Concurrency determination - methodology.**

(1) In determining whether or not a proposed development is concurrent, the ~~((department of public works))~~ DPW shall analyze ~~((likely road system impacts on arterial units based on the size and location of the development))~~ the developments impacts on the county's arterial road network based on the developments TIA.

(2) A concurrency determination is based on an ~~((evaluation of road system impacts for a proposed development within the boundaries of the development's transportation service area. The evaluation will identify the development's impacts on any arterial unit in arrears as specified in SCC 30.66B.160, or any arterial unit designated at ultimate capacity))~~ analysis of the estimated traffic impacts from a proposed development on the arterial road system within the developments TSA, pursuant to the provisions of this chapter.

(3) A ~~((development's))~~ developments forecast trip generation at full occupancy shall be the basis for determining the impacts of the development ~~((on the road system))~~. The ~~((department of public works))~~ DPW will accept valid relevant data from a ~~((traffic study))~~ TIA prepared pursuant to this chapter or will use the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers. Adjustments will be made for trip reduction credits approved under SCC ~~((30.66B.640))~~ 30.66B.617 - .650.

(4) ~~((If a development is proposed within a transportation service area that contains no arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be determined to be concurrent, except that if the development generates more than fifty peak-hour trips, the requirements of SCC 30.66B.035 shall also apply.))~~ The calculation of trip generation when determining impacts on either level of service for a concurrency determination or an IRC for development applications involving a future development tract or property with a pending or prior approved boundary line adjustment (BLA), shall include:

(a) The proposed development; and

(b) All pending development or development approved within the last six years on related property. For the purposes of this subsection, related property shall mean the following:

(i) All parcels that are currently included within either a pending BLA or a BLA approved within the last six years and one or more of the parcels will or has changed in size by more than fifty percent;

(ii) All parcels included with the development that created the future development tract.

(5) A concurrency determination is tied to the development application and property upon which the determination is made, and cannot be transferred to another development application or property.

Section X. A new section is added to Chapter 30.66B of the Snohomish County Code to read:

### **30.66B.132 Concurrency determination – inventory of developments determined concurrent.**

(1) The DPW shall establish and maintain an inventory of developments determined concurrent, also known as the "pipeline inventory", using a trip distribution threshold of either three AM or PM peak-hour trips for the following developments that have been determined concurrent:

(a) Residential developments that generate seven or more PM peak-hour trips; and

(b) Non-residential developments that generate five or more PM peak-hour trips.

(2) The DPW shall maintain the pipeline inventory, in accordance with the provisions of this section and the DPW administrative rules;

(3) The pipeline inventory shall include those applicable developments that have been issued concurrency approval pursuant to SCC 30.66B.160 and a pre-application concurrency approval pursuant to SCC 30.66B.175;

(4) The pipeline inventory shall not include the following:

(a) Developments for which the concurrency determination has expired;

(b) The trips from all, or portions of, developments that have been completed and are occupied.

(5) The DPW may, in its discretion, determine that certain developments in the pipeline inventory should not be included in the pipeline inventory based on a factual demonstration by the applicant of a development that has not been deemed concurrent, that one or more of the following is applicable to a development in the pipeline inventory when that development:

(a) Is not going to be constructed;

(b) Is not going to be approved; or

(c) Was already occupied at the time the current traffic volumes were counted.

(6) When used in a future level of service forecast, the pipeline inventory shall not include developments that were deemed concurrent subsequent to the proposed development for which the future level of service forecast and concurrency determination is being made;

(7) The pipeline inventory shall be used by the DPW when conducting analysis in whether or not an arterial unit should be determined at risk or in arrears. Inventories or estimates used in the analysis shall be in accordance with the DPW administrative rules;

Section X. Snohomish County Code Section 30.66B.135, last amended by Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

### **30.66B.135 Concurrency determination – Development deemed concurrent.**

The following development shall be deemed concurrent:

(1) Any development that has a valid pre-application concurrency approval issued pursuant to SCC 30.66B.175; ~~((and))~~

(2) Building permit applications ~~((for development within an approved))~~ associated with an approved; binding site plan, rezone accompanied by an official site plan, ~~((nonresidential))~~ non-residential subdivision ~~((or nonresidential))~~, non-residential short subdivision, or an urban center, for which a concurrency determination has already been made in accordance with this chapter, if the following are met:

(a) The concurrency determination for the development approval has not expired;

(b) The building permit will not cause the developments approved traffic generation ~~((of the prior approval))~~ to be exceeded;

(c) There is no change in points of access that would affect the developments trip distribution; and

(d) Mitigation required pursuant to the previous development approval ~~((is))~~ has been completed or will be performed and completed as a condition of building permit issuance.

(3) A development generating less than three directional peak-hour trips;

(4) A development generating between three and fifty peak hour trips that is proposed within a TSA that has no arterial units determined at risk or in arrears;

(5) A development generating between three and fifty peak hour trips that is proposed within a TSA that contains an arterial unit in arrears and will not impact the arterial unit with three or more directional peak hour trips;

(6) A development generating more than fifty peak hour trips that is proposed within a TSA that has an arterial unit determined at risk or in arrears and will not:

1       (a) Impact any arterial units determined in arrears with three or more directional peak  
 2 hour trips;

3       (b) Impact any arterial units determined at risk in the critical time and direction with three  
 4 or more directional peak hour trips; or

5       (c) Cause an arterial unit on the critical list to be determined in arrears.  
 6

7       Section X. Snohomish County Code Section 30.66B.145, last amended by Amended  
 8 Ordinance No. 03-127 on November 5, 2003, is amended to read:

9       **30.66B.145   Concurrency determination – ((forecasting)) future level-of-service forecast.**

10       ~~(((1) An inventory of developments that have been determined concurrent, also referred to as~~  
 11 ~~"developments in the pipeline," will be used to estimate future traffic volumes for forecasting~~  
 12 ~~future level-of-service conditions. This inventory will be established and maintained by the~~  
 13 ~~department of public works in accordance with the department's administrative rules.~~  
 14 ~~Developments in the pipeline will also include developments given pre-application concurrency~~  
 15 ~~approval pursuant to SCC 30.66B.175.~~

16       ~~(a) The department of public works shall use the inventory of developments in the pipeline~~  
 17 ~~when conducting analysis to determine whether an arterial unit is in arrears. Inventories or~~  
 18 ~~estimates shall be in accordance with the department of public works' administrative rules.~~

19       ~~(b) A developer may be required to provide a forecast of future level-of-service conditions~~  
 20 ~~to the department of public works for purposes of making a concurrency determination on a~~  
 21 ~~proposed development. When required to provide a forecast, the developer shall use the~~  
 22 ~~inventory of developments in the pipeline, as established and maintained by the department of~~  
 23 ~~public works, when providing a forecast of future level-of-service conditions to the department.~~  
 24 ~~The inventory of developments in the pipeline used for making a concurrency determination on a~~  
 25 ~~proposed development shall not include any development that has been deemed concurrent~~  
 26 ~~subsequent to the proposed development.~~

27       ~~(2) Estimates of future traffic volumes used for purposes of making level-of-service~~  
 28 ~~forecasts for concurrency determinations shall consist of the sum of the following: the current~~  
 29 ~~traffic volumes, the additional traffic volume that will be generated by the proposed~~  
 30 ~~development, and the additional traffic volume that will be generated by other developments in~~  
 31 ~~the pipeline.~~

32       ~~(a) Estimates of current traffic volumes will be based on recent counts acceptable to the~~  
 33 ~~department of public works. The department of public works will provide them when available.~~  
 34 ~~When acceptable counts are not available, the applicant must provide them. The department of~~  
 35 ~~public works may specify by administrative rule the methodology for performing traffic counts~~  
 36 ~~of current traffic volumes.~~

37       ~~(b) Additional traffic volume that will be generated by the proposed development will be~~  
 38 ~~based on the development's forecast trip generation at full occupancy, in accordance with SCC~~  
 39 ~~30.66B.130(3).~~

40       ~~(c) The following shall apply to forecasting additional traffic volume that will be generated~~  
 41 ~~by the inventory of developments in the pipeline:~~

42       ~~(i) the inventory of developments in the pipeline shall not include developments that~~  
 43 ~~have been deemed concurrent subsequent to the proposed development;~~



~~(ii) estimates of additional traffic volume that will be generated by the inventory of developments in the pipeline will include, at minimum, residential developments generating seven (7) or more peak hour trips and commercial developments generating five (5) or more peak hour trips that have been determined concurrent based on the department's concurrency determination;~~

~~(iii) the department may, in its discretion, determine that certain developments in the pipeline should not be included in the inventory. The department may exclude a development, or part of a development, in the pipeline based on a factual demonstration by the applicant that one or more of the following is applicable:~~

~~(A) a development is not going to be constructed;~~

~~(B) a development is not going to be approved; or~~

~~(C) a development was already occupied at the time the current traffic volumes were counted; and~~

~~(iv) a threshold of three AM and/or PM peak hour trips will be used for trip distributions.~~

~~(d) The department of public works will provide the applicant with the information in the department's inventory of developments in the pipeline and the number of trips added to the individual traffic movements at the intersections on the identified arterial units.~~

~~(e) The department of public works will identify the arterial unit(s) for which an applicant must make estimates of future traffic volumes and specify the methodology for level-of-service forecasts used by the applicant in forecasting level of service from the estimates of future traffic volumes. Estimates of future traffic volumes may be required of the applicant for weekday a.m. and p.m. peak hour vehicle trips for any traffic movements on any intersection located on the identified arterial unit(s) including termini.~~

~~(f) Forecasts will analyze traffic impacts for arterial units in the development's road system for the "forecast year" (i.e., the year of the proposed expiration date of the development's concurrency determination).))~~

A future level-of-service forecast required under SCC 30.66B.035 shall be completed by the applicant in accordance with the provisions of this section and the DPW administrative rules.

(1) A future level-of-service forecast shall analyze traffic impacts for arterial units in the development's road system that are identified in the critical list and that will be impacted by three or more directional peak hour trips for the "forecast year" (i.e., the year of the proposed expiration date of the development's concurrency determination).

(2) Estimates of future traffic volumes used for purposes of making a future level-of-service forecast for concurrency determinations shall consist of the sum of the following estimates:

(a) The current traffic volumes based on recent counts acceptable to the DPW. The DPW will provide acceptable counts when available. When acceptable counts are not available, the applicant shall provide them pursuant to this chapter and the DPW administrative rules;

(b) The additional traffic volume that will be generated by the development based on the developments forecast trip generation at full occupancy, in accordance with SCC 30.66B.130(3); and

(c) The additional traffic volume that will be generated by other developments in the pipeline based on the pipeline inventory as of the developments concurrency vesting date.

(3) The DPW will:

(a) Provide the applicant with the current pipeline inventory and the number of trips added to the individual traffic movements at the intersections on the identified arterial units;

(b) Identify the arterial unit(s) for which an applicant must make estimates of future traffic volumes; and

(c) Specify the methodology used by the applicant in forecasting level of service from the estimates of future traffic volumes. Estimates of future traffic volumes shall include the developments new generated ADT and weekday a.m. and p.m. peak hour vehicle trips for any traffic movements on any intersection located on the identified arterial unit(s) including termini.

Section X. Snohomish County Code Section 30.66B.150, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.150** ~~((Changes to concurrency))~~ Concurrency determination – when revision is required.

(1) A concurrency determination made pursuant to this chapter ~~((may be changed only))~~ shall be revised if one or more of the following occurs:

(a) The applicant proposes ~~((substantial transportation related))~~ changes to the development proposal prior to the final approval that would ~~((cause))~~ :

(i) Cause the approved ((traffic)) trip generation of the prior approval to be exceeded ((; change)) ;

(ii) Change points of access or circulation, ((change)) when determined by the county engineer that the change will impact the developments trip distribution and will result in an increase in traffic volumes on any arterial units beyond those approved in the current concurrency determination;

(iii) Change mitigation measures relating to the transportation system ((;)) ; or ((increase))

(iv) Increase traffic volumes on any arterial units;

(b) The concurrency determination was based on phasing and the applicant proposes changes to the development proposal prior to the final approval that would move up the occupancy dates for all or part of the development to earlier phases;

(c) The concurrency determination was procured by ~~((misrepresentation or))~~ :

(i) Misrepresentation;

(ii) A lack of material disclosure; or

(iii) Either the data ((and/or)) or analysis upon which the concurrency determination was made are found to have gross material errors ((and/or misrepresent the existing or future road system or the development's impact on that road system));

(d) More than one year has elapsed since the concurrency determination and, if required, the SEPA threshold determination for the development has not been made; or

(e) The ~~((developer proposes a change in the development after approval))~~ property boundaries for which the concurrency determination was issued have changed.

(f) The provisions of SCC 30.66B.680 concerning the discontinuance of a trip reduction program apply and the issuance of the concurrency determination was dependent on the trip reduction credits allowed because of the trip reduction program.

(2) Any development requiring ~~((an additional concurrency determination pursuant to SCC 30.66B.150(1) due to a change to the development or at the request of a developer))~~ revision to an approved concurrency determination will be subject to an additional review fee at the rate identified as the base review fee in SCC 13.110.030.

(3) A revised concurrency determination shall retain the same concurrency:

(a) Vesting date as the original concurrency determination;

(b) Expiration date as the original concurrency determination or the new extended expiration date if the original concurrency expiration date was extended pursuant to SCC 30.66B.158.

Section X. Snohomish County Code Section 30.66B.155, last amended by Amended Ordinance No. 03-127 on November 5, 2003, is amended to read:

**30.66B.155 Concurrency determination – expiration date.**

(1) The concurrency expiration date for a development shall be six years after the concurrency determination date, except when:

~~(a) ((When it is determined by the director of public works that an earlier concurrency expiration date should be established due to the impact of the development on level-of-service conditions))~~ It is a pre-application concurrency determination, then the expiration date shall be as follows:

(i) The initial expiration date shall be six months from the date of issuance-unless an appeal is pending, in which case it shall be six months following resolution of all appeals provided the determination is upheld; and

(ii) If an application for the development for which the determination was based on is accepted by the department within the time period established in subsection (i) above, then the determination shall expire six years from the date of issuance or the resolution of all appeals, whichever is last.

~~(b) ((When a later concurrency expiration date is established in accordance with SCC 30.66B.810; and))~~ The determination is for a subdivision or short subdivision which receives preliminary approval prior to determination expiring, then the concurrency expiration date shall extend to, and be the same as, the expiration date of the subdivision or short subdivision preliminary approval;

~~(c) ((The concurrency expiration date for a binding site plan may, at the request of the applicant, be established as the date of the latest certificate of occupancy for the development as proposed by the applicant))~~ The county engineer, at the request of an applicant for a binding site plan, non-residential subdivision, non-residential short subdivision, or urban center development, determines that the concurrency expiration date be established as the date of the latest certificate of occupancy for the development, provided that the same or later date is used for the forecast year in the ((traffic study)) TIA for determining impacts on level-of-service in accordance with SCC 30.66B.145.

(d) The county engineer, consistent with the level-of-service standards and revenue/expenditure forecast adopted in the comprehensive plan, determines that an earlier concurrency expiration date should be established based upon either the size of the development or the level of service of impacted arterial units.

~~(2) ((The concurrency expiration date shall be based upon the size of the development, the level of service of impacted arterial units, and shall be consistent with the level-of-service standards and revenue/expenditure forecast adopted in the comprehensive plan.))~~ The expiration date for a concurrency determination issued for a development that is not a residential subdivision or short subdivision where building permits have been issued prior to the original

1 concurrency determination expiration date will be the same as the expiration of the issued  
 2 permits.

3 (3) Building permits for a development must be issued prior to expiration of the concurrency  
 4 determination for the development ~~((, except when))~~.

5 ~~((a) The development is a residential subdivision or short subdivision, in which case the~~  
 6 ~~subdivision or short subdivision must receive preliminary approval prior to expiration of the~~  
 7 ~~concurrency determination, or~~

8 ~~(b) The development is a residential development which requires site plan approval, in~~  
 9 ~~which case the site approval must be issued prior to expiration of the concurrency determination,~~  
 10 ~~or~~

11 ~~(c) The development is a conditional or administrative conditional use permit with no~~  
 12 ~~associated building permits, in which case the conditional or administrative conditional use~~  
 13 ~~permit must be issued prior to expiration of the concurrency determination for the~~  
 14 ~~development.))~~

15 ~~((4) No additional concurrency determination is required for residential dwellings within a~~  
 16 ~~subdivision or short subdivision that receives preliminary approval in compliance with this~~  
 17 ~~section)).~~

18 ~~((5) If a concurrency determination expires, or within one year will expire, the director of~~  
 19 ~~public works shall, at the request of the developer, consider evidence that conditions have not~~  
 20 ~~significantly changed, make a new concurrency determination, and may establish a new~~  
 21 ~~concurrency expiration date in accordance with this section. If the concurrency determination for~~  
 22 ~~a binding site plan has expired, subsequent building permit applications for development within~~  
 23 ~~the binding site plan will be evaluated for concurrency as stand-alone development applications~~  
 24 ~~in accordance with SCC 30.66B.100—.185.))~~

25 ~~((6)) (4) A concurrency determination ((is tied to the development application upon which~~  
 26 ~~the determination is made, cannot be transferred to another development application, and))~~  
 27 always expires in cases in which the underlying development application for which the  
 28 determination is associated with expires.

29  
 30 Section X. A new section is added to Chapter 30.66B of the Snohomish County Code to  
 31 read:

### 32 **30.66B.158 Concurrency determination – extension of expiration date.**

33 (1) A developer, within one year prior to the expiration of a developments first concurrency  
 34 determination, may request the county engineer extend the expiration date of the concurrency  
 35 determination based on evidence that conditions have not significantly changed. If the county  
 36 engineer determines conditions have not significantly changed, a new concurrency expiration  
 37 date shall be established pursuant to subsection 3 of this section.

38 (2) A concurrency determination shall not be extended and a new concurrency determination  
 39 shall be required if:

40 (a) The county engineer determines condition have significantly changed; or

41 (b) If at the time the extension request is applied for there are no valid building permit  
 42 applications associated with the following types of development for which the original  
 43 concurrency determination was issued for;

44 (i) A recorded;

- 1       (1) Binding site plan;
- 2       (2) Non-residential subdivision;
- 3       (3) Non- residential short subdivision; or
- 4       (ii) An approved and valid:
- 5       (1) Conditional or administrative conditional use permit;
- 6       (2) Official site plan; or
- 7       (3) Site plan pursuant to chapters 30.41F and 30.34A SCC.
- 8       (3) The expiration date for a concurrency determination that has been extended shall be
- 9       established as the date on whichever of the following occurs first:
- 10      (a) Six years from the date the extension is granted;
- 11      (b) The date the underlying development application, permit or landuse approval will
- 12      expire; or
- 13      (c) An earlier date if so established by the county engineer pursuant to SCC
- 14      30.66B.155(1)(d).
- 15      (4) The extension of the expiration date of a concurrency determination shall be subject to an
- 16      additional review fee at the rate identified as the base review fee in SCC 13.110.030.

17  
18       Section X. Snohomish County Code Section 30.66B.160, last amended by Amended  
19       Ordinance No. 10-072 on September 8, 2010, is amended to read:

20       **30.66B.160   Concurrency determination - arterial unit at risk, in arrears, multimodal, or**  
21       **at ultimate capacity.**

22       (1) If a development is proposed within a ~~((transportation service area))~~ TSA which contains  
23       one or more arterial units determined to be either at risk, in arrears ((and/or)) , multimodal, or  
24       designated at ultimate capacity ((arterial units)) , then the development may only be determined  
25       to be concurrent based on a trip distribution to determine the impacts of the development on the  
26       arterial units. The ~~((director of public works))~~ DPW shall not determine concurrent any  
27       development generating more than fifty peak-hour trips which would ~~((likely))~~ impact an arterial  
28       unit in arrears or likely-cause any arterial unit to fall into arrears, except when the developer  
29       proposes to remedy any arterial unit in arrears in accordance with SCC 30.66B.167.

30       (2) ~~((Impacts shall be determined based on each of the following if the))~~ If a developments  
31       trip distribution indicates the development will place:

32       (a) ~~((If the trip distribution indicates that the development will not place))~~ Less than three  
33       ~~((or more))~~ peak-hour trips on ~~((any))~~ either an arterial ((units)) unit determined in arrears  
34       ~~((and/or)) or~~ designated at ultimate capacity ((arterial units)), then the development shall be  
35       deemed concurrent;

36       (b) ~~((If the trip distribution indicates that the development will not place three))~~ Three or  
37       more peak-hour trips on any arterial unit determined in arrears, then the development shall not be  
38       determined concurrent except in accordance with SCC 30.66B.167;

39       (c) ~~((If the trip distribution indicates that the development will not place three))~~ Three or  
40       more peak-hour trips on any arterial unit designated at ultimate capacity ((arterial unit)), then the  
41       development shall be determined concurrent only if the development ~~((proposes))~~;

42       (i) Proposes to mitigate its road system impact by making access management and  
43       circulation provisions for the arterial unit ((consistent with any access management and  
44       circulation plan adopted pursuant to SCC 30.66B.110(1)(a) and will be required to provide)); and

(ii) Provides additional mitigation (~~((through either of the following))~~  
~~((i))~~ by providing sufficient ~~((transportation demand management (TDM)))~~ TDM  
 measures under SCC ~~((30.66B.610))~~ 30.66B.617 - .650 to indicate the potential for removing a  
 minimum of ~~((ten))~~ an additional five percent of the ~~((development's))~~ developments peak-hour  
 trips from the road system ~~((; or))~~ than that required by SCC 30.66B.600(1);

~~((ii) by meeting the department of public works' criteria for transit compatibility in  
 accordance with the director of public works' administrative rules, provided that under this  
 option the impacted ultimate capacity arterial unit must also meet the criteria for transit  
 supportive design.))~~

(d) three or more peak-hour trips on an arterial unit which has been determined to be  
 multimodal in accordance with SCC 30.66B.103(1), the development shall be determined  
 concurrent only if the development proposes to mitigate its road-system impacts by providing  
 sufficient TDM under SCC 30.66B 617 – 650 to indicate the potential for removing a minimum  
 of an additional five percent of the developments peak-hour trips from the road system than that  
 required by SCC 30.66B.600(1).

~~((d))~~ (e) ~~((If the trip distribution indicates that the development will not place three))~~  
 Three or more new peak-hour trips on any ~~((designated ultimate capacity))~~ arterial unit  
 designated at ultimate capacity that directly connects a state highway with a city or town, and  
 there is an interlocal agreement ~~((as specified))~~ in accordance with SCC 30.61.230(6) between  
 the county and the city or town addressing the ~~((designated ultimate capacity))~~ arterial unit  
 designated at ultimate capacity, then the development shall be determined concurrent only if  
 proposed mitigation is consistent with the terms of the interlocal agreement. ~~((If there is no  
 interlocal agreement between the county and the city addressing the designated ultimate capacity  
 arterial unit, then this requirement shall not apply.))~~

Section X. Snohomish County Code Section 30.66B.165, adopted by Amended  
 Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.165 Arterial unit in arrears - special circumstances.**

Where the only remedy to an arterial unit in arrears, is the installation of a traffic signal, but  
 signalization warrants contained in the current edition of the ~~((manual on uniform traffic control  
 devices))~~ Manual On Uniform Traffic Control Devices (MUTCD) are not met at present,  
~~((developments))~~ a development impacting the arterial unit will be allowed to proceed without  
 the installation of the traffic signal ~~((; PROVIDED, That))~~ but will not be issued building permits  
 until all other warranted level-of-service ~~((and transit))~~ related improvements ~~((are made on the  
 arterial unit with the deficient level of service. Developments impacting such arterial units will  
 not be issued building permits until the improvements (not including the traffic signal) to the  
 level of service deficient arterial unit are under contract or being performed.))~~ are either under  
 contract, being constructed, or completed. ~~((Such developments will still be subject to all other  
 obligations as specified in this chapter.))~~

Section X. Snohomish County Code Section 30.66B.166, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.166 ~~((Public Facilities Supporting Residential Development Deemed Concurrent Pursuant to SCC 30.66B.103(2)))~~ Concurrency determination – public facilities necessary to support residential development.**

(1) If a public facility needed to support residential development is deemed concurrent pursuant to SCC 30.66B.103(2), then the development will be required as a condition of approval to take measures to increase the efficiency of the existing road system and preserve capacity by ~~((either:))~~

~~((a))~~ providing sufficient ~~((transportation demand management (TDM)))~~ TDM measures under SCC ~~((30.66B.610))~~ 30.66B.617 -.650 to indicate the potential for removing ~~((a minimum of ten percent of the development's peak-hour trips from the road system;))~~ from the road system, a minimum of an additional five percent of the developments peak-hour trips than that required by SCC 30.66B.600(1). ~~((or))~~

~~((b) by meeting the adopted criteria for a transit compatible development in accordance with the director of public works' administrative rules, provided that under this option the impacted arterial unit must meet the adopted criteria for transit supportive design.))~~

Section X. Snohomish County Code Section 30.66B.167, last amended by Amended Ordinance No. 10-022 on September 8, 2010, is amended to read:

**30.66B.167 Concurrency determination - options when a development is not concurrent.**

Any development unable to be determined ~~((not to be))~~ concurrent shall have the following options available:

~~((1) A development which meets the department's criteria for transit compatibility, shall be determined concurrent;~~

~~(a) If the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director of public works' administrative rule developed pursuant to SCC 30.66B.080;~~

~~(b) If the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan; and~~

~~(c) The development can otherwise be determined to be concurrent in accordance with SCC 30.66B.160.))~~

~~((2))~~ (1) ~~((A development may modify))~~ Modify its proposal to lessen its impacts on the road system in such a way as to allow the ~~((director of public works))~~ county engineer to determine the development concurrent. Any modification of the proposal must be submitted in writing ~~((to the department of public works))~~. The ~~((director of public works))~~ DPW will review the modified proposal and make a new concurrency determination pursuant to SCC ~~((30.66B.150))~~ 30.66B.120. If determined concurrent, the ~~((department of public works))~~ DPW will ~~((attach))~~ reference the new concurrency determination ~~((to its))~~ in the county engineers recommendation made pursuant to SCC 30.66B.050, ~~((and recommend any of the following conditions proposed by the developer;~~

1       ~~(a) Deferral of construction of all or identified subsequent phases of a development until~~  
 2 ~~such time as the county has a financial commitment for, or has made, capacity improvements~~  
 3 ~~which would remedy any arterial unit in arrears; or~~

4       ~~(b) Deferral of construction of all or identified subsequent phases of a development until~~  
 5 ~~such time as the developer constructs capacity improvements which would remedy any arterial~~  
 6 ~~unit in arrears. To propose this condition, the developer must demonstrate compliance with SCC~~  
 7 ~~30.66B.170)) including, if applicable, any conditions that define what phases of the development~~  
 8 ~~can proceed, which are delayed, what improvements need to be constructed and the timing of~~  
 9 ~~their construction, together with all other necessary conditions.~~

10       (2) Make the improvements necessary to an arterial unit for it to be determined multimodal  
 11 in accordance with 30.66B 103(1).

12       (3) ~~((The developer may request))~~ Request through the docketing process established in  
 13 chapter 30.74 SCC an amendment to the comprehensive plan to allow for lower density  
 14 development, if a lower density would allow the development to achieve concurrency.

15  
 16       Section X. Snohomish County Code Section 30.66B.170, adopted by Amended  
 17 Ordinance No. 02-064 on December 9, 2002, is amended to read:

18 **30.66B.170    Arterial unit in arrears or inadequate road condition((s)) - developer**  
 19 **constructed improvements.**

20       (1) If a developer chooses to mitigate the development's impact by constructing ~~((offsite))~~  
 21 off-site road improvements to remedy either the arterial unit in arrears or ~~((inadequate road~~  
 22 ~~condition))~~ IRC, the developer must investigate the impact, identify the improvements needed,  
 23 and offer a construction plan to the ~~((director))~~ DPW for construction of the ~~((offsite))~~ off-site  
 24 improvements. ~~((Construction of improvements shall be in accordance with the EDDS and the~~  
 25 ~~procedures of Title 13 SCC.))~~

26       (2) In cases where two or more developers have agreed to fully fund a certain improvement,  
 27 the developers must supply the ~~((department of public works))~~ DPW with a written agreement,  
 28 binding on each development as a condition of approval. The agreement shall address the  
 29 proportionate share of the cost that each developer will bear and the timing of construction of the  
 30 improvements.

31       (3) Any developer who volunteers to construct ~~((offsite))~~ off-site improvements which are  
 32 part of the cost basis of any impact fee imposed pursuant to this chapter will have the value of  
 33 those improvements, as determined in the cost basis contained in the transportation needs report,  
 34 credited against the impact fee. If the value of the ~~((offsite))~~ off-site improvement is greater than  
 35 the amount of the impact fee imposed, the developer may apply for a latecomer's agreement  
 36 under the provisions of chapter 13.95 SCC or propose the establishment of a road improvement  
 37 district (RID) under the provisions of chapter 13.140 SCC.

38       (4) Any developer who volunteers to construct ~~((offsite))~~ off-site improvements which are  
 39 not part of the cost basis of any impact fee imposed pursuant to this chapter may apply for a  
 40 latecomer's agreement under the provisions of chapter 13.95 SCC or propose establishment of a  
 41 road improvement district (RID) under the provisions of chapter 13.140 SCC.

42       (5) Any developer who chooses to mitigate a development's impact by constructing  
 43 ~~((offsite))~~ off-site improvements may propose to the director of public works that a joint  
 44 public/private partnership be established to jointly fund and/or construct the proposed



improvements. The director of public works will determine whether or not such a partnership is to be established.

(6) Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; PROVIDED, That where no building permit will be associated with a conditional or administrative conditional use permit, then construction of improvements is required as a precondition to approval.

Section X. Snohomish County Code Section 30.66B.175, last amended by Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

**30.66B.175 Optional pre-application concurrency ((evaluation)) determination.**

(1) Prior to submitting ~~((an))~~ a development application, any developer may ~~((request))~~ apply for a pre-application concurrency ~~((decision))~~ determination in accordance with the requirements of this section. All requirements of this chapter applicable to pre-submittal conferences and concurrency determinations shall apply to pre-application concurrency ~~((evaluations))~~ determinations, unless expressly ~~((excepted))~~ exempted in this section.

(2) ~~((A request))~~ An application for a pre-application concurrency ~~((evaluation must))~~ determination shall be made ~~((to the department of public works in accordance with the following and in the))~~ on a form and in the manner prescribed by the ~~((department))~~ DPW and shall include the following ~~((A pre application concurrency evaluation is a Type 1 decision and shall be processed in accordance with chapter 30.71 SCC, except as otherwise provided in this chapter and SCC 30.66B.180.))~~:

(a) ~~((The developer must provide the department of public works with a detailed description of the proposed development's maximum possible impact on the level of service of the road system. The information provided must include (projected trip generation and trip distribution, as well as site plan information indicating access points for the development.))~~ A traffic impact analysis pursuant to SCC 30.66B.035; and

(b) ~~((The developer must propose a year of expiration date for the requested concurrency determination, which shall be used as the forecast year for the evaluation of future level of service conditions on the road system. The expiration date for any concurrency determination issued pursuant to this section for a subsequent development application shall be in accordance with SCC 30.66B.155 and the forecast year used for the pre application concurrency evaluation))~~ A site plan indicating all existing and proposed access points for the development and all existing proposed roads either within or adjacent to the development.

(c) ~~((The developer shall provide a traffic study consistent with SCC 30.66B.035. The department of public works will meet with the developer to identify the scope of the traffic study required to make the pre application concurrency decision.))~~

~~((d))~~ Application for a pre application concurrency evaluation shall be accompanied by a) A fee payment in the amount specified in SCC 13.110.030. For purposes of SCC 13.110.030, a request for a pre-application concurrency evaluation shall be considered a development application.

(3) ~~((Following receipt of a traffic study that meets the requirements established in the pre application concurrency scoping meeting, notice of the request for a pre application concurrency evaluation shall be made in accordance with the procedures of SCC 30.70.050. The department~~

of public works will have fourteen (14) days following the close of the public and agency comment period to make a pre-application concurrency decision. A pre-application concurrency determination shall be processed in accordance with chapter 30.71 SCC, except as otherwise provided in this chapter.

~~(4) Pre-application concurrency evaluations shall be consistent with the requirements of SCC 30.66B.130, except that the threshold for requiring a traffic study shall be three peak-hour trips instead of fifty (50) peak-hour trips.)~~

~~((5))~~ (4) A pre-application concurrency ~~((evaluation is an action))~~ determination shall be subject to the requirements of chapter 30.61 SCC if the underlying development for which the determination is for, is subject to the requirements of chapter 30.61 SCC.

~~((6))~~ (5) If the ~~((department of public works'))~~ pre-application concurrency decision is that the proposed development can be determined concurrent, ~~((the department will issue))~~ a pre-application concurrency approval will be issued. If the pre-application concurrency decision is that the proposed development cannot be determined concurrent, the ~~((department shall notify the developer))~~ applicant shall be notified in writing of the decision and the reasons therefore. The ~~((developer))~~ applicant shall have 90 days from such notification to respond with revisions or alternative analyses or proposals. Responses may include revisions to the ~~((traffic study))~~ TIA, an alternative analysis of the conclusions drawn by the ((department)) county, or utilization of options under SCC 30.66B.167. A response shall be treated like a new application for a pre-application concurrency decision.

~~((7) The department of planning and development services shall provide notice of the department of public works' pre-application concurrency decision and the time period for filing an administrative appeal in accordance with SCC 30.71.050. The pre-application concurrency decision may be appealed pursuant to SCC 30.66B.180.~~

~~((8))~~ (6) A development with a pre-application concurrency approval that is valid at the time of the developments application submittal will be deemed concurrent ~~((under SCC 30.66B.135))~~ without further review, provided that the administrative appeal period for the concurrency approval has expired or the concurrency approval has been upheld on appeal and there is no further opportunity for administrative or judicial review.

~~((9))~~ (7) Concurrency determinations for developments that received a pre-application concurrency approval shall not be subject to further administrative review or appeal during project review, including review pursuant to the State Environmental Policy Act (SEPA).

~~(10) A pre-application concurrency approval shall be valid only for subsequent development applications for the same parcel of property and where the maximum possible impact on the level of service of the road system established in the pre-application concurrency approval is not exceeded by the proposed development. A pre-application concurrency approval cannot be transferred to a different parcel of property.~~

~~(11) Pre-application concurrency approvals under this subsection shall be valid for six months following the notice of decision unless an appeal is pending, in which case the approval shall be valid for six months following resolution of all appeals.)~~

Section X. Snohomish County Code Section 30.66B.177, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

**30.66B.177 Interlocal agreement with state, cities, towns and counties.**

(1) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for state highways will be addressed by ~~((a letter of understanding or ))~~ an interlocal agreement as specified in SCC 30.61.230(6), between the county and the Washington state department of transportation (WSDOT)~~((:))~~ ;

~~(2)~~ A development will be required to mitigate impacts on roads under the jurisdiction of the WSDOT that are part of the road system, in accordance with SCC 30.66B.710. The mitigating measures recommended by WSDOT will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the ~~((proposed))~~ development and consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(6) between the county and the WSDOT.

~~((2))~~ (3) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for roads under the jurisdiction of a city, town or ~~((another))~~ other county will be addressed by an interlocal agreement as specified in SCC ~~((30.66B.230(6)))~~ 30.61.230(6), between the county and the other city, town or county~~((:))~~ ;

(4) A development will be required to mitigate impacts on roads under the jurisdiction of cities, towns or other counties that are part of the road system, in accordance with SCC 30.66B.720. The mitigating measures recommended by the city, town or other county will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(6) between the county and the other agency.

~~((\*Code Reviser Note: Amended Ordinance No. 10-072 corrected several code references in SCC 30.66B.177 but failed to include the following text of SCC 30.66B.177(2): "30.66B.230(9), between the county and the other city or county. A development will be required to mitigate impacts on roads under the jurisdiction of cities or other". This material is retained pursuant to SCC 1.02.020(2)(g).))~~

Section X. Snohomish County Code Section 30.66B.180, last amended by Ordinance No. 06-093 on November 8, 2006, is repealed. (NOTE:

**~~((30.66B.180 — Concurrency determination review or appeal.))~~**

~~((1))~~ A person may seek review of or appeal a pre-application concurrency decision or a concurrency determination as provided in this section. No review or appeal is provided for a concurrency determination made pursuant to SCC 30.66B.135. The scope and standard for review of the pre-application concurrency decision or concurrency determination is as provided in SCC 30.66B.185.

(2) Any aggrieved person may request the hearing examiner to review a concurrency determination that is associated with an underlying Type 2 application at the open record hearing for the Type 2 application, except as provided in SCC 30.66B.175(9).

(a) The department of planning and development services shall provide notice of the concurrency determination. The notice shall be combined with the notice of public hearing for

1 the underlying application provided pursuant to SCC 30.72.030 and shall reference the standard  
2 for review of a concurrency determination in SCC 30.66B.185.

3 (b) ~~The aggrieved person must provide written documentation to the hearing examiner~~  
4 ~~demonstrating why the concurrency determination fails to satisfy the requirements of this~~  
5 ~~chapter.~~

6 (c) ~~The decision of the hearing examiner is final and conclusive with an optional right of~~  
7 ~~reconsideration as provided in SCC 30.72.065 and may then be appealed by an aggrieved party~~  
8 ~~of record to the county council pursuant to SCC 30.72.070 together with an appeal of the~~  
9 ~~underlying permit or approval decision.~~

10 (3) ~~((Any aggrieved party of record may appeal a concurrency determination associated with~~  
11 ~~an underlying Type 1 decision, except as provided in SCC 30.66B.175(9). Any such appeal shall~~  
12 ~~be processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC.~~

13 (a) ~~The department of planning and development services shall provide notice of the~~  
14 ~~concurrency determination and the time period for filing an administrative appeal in accordance~~  
15 ~~with SCC 30.71.040.~~

16 (b) ~~An open record appeal hearing conducted pursuant to this subsection shall be~~  
17 ~~consolidated with any other open record appeal hearing relating to the underlying permit or~~  
18 ~~approval decision.~~

19 (4) ~~Any person may appeal a concurrency determination associated with a project permit~~  
20 ~~application that is not otherwise subject to administrative appeal, except as provided in SCC~~  
21 ~~30.66B.175(9). Any such appeal shall be processed as an appeal of a Type 1 decision in~~  
22 ~~accordance with chapter 30.71 SCC. The department of planning and development services shall~~  
23 ~~provide notice of the concurrency determination and the time period for filing an administrative~~  
24 ~~appeal in accordance with SCC 30.71.050.~~

25 (5) ~~Any aggrieved person may appeal a pre-application concurrency decision made pursuant~~  
26 ~~to SCC 30.66B.175 by filing an appeal of a Type 1 decision in accordance with SCC 30.71.050.~~  
27 ~~The appeal shall follow the procedure specified in SCC 30.66B.180(2), (3), or (4) depending on~~  
28 ~~whether the development to be applied for will require a Type 2 decision, a Type 1 decision, or a~~  
29 ~~project permit application that is not subject to administrative appeal, except that consolidation~~  
30 ~~with the underlying application or appeal of the underlying permit or approval decision is not~~  
31 ~~required or permitted.))~~

32  
33 Section X. Snohomish County Code Section 30.66B.185, adopted by Amended  
34 Ordinance No. 02-064 on December 9, 2002, is amended to read:

35 **30.66B.185 Concurrency determination - standard of review.**

36 A concurrency determination by the department creates a rebuttable presumption of validity. An  
37 appeal of a concurrency determination is reviewed under the clearly erroneous standard. The  
38 ((hearing examiner)) decision maker for the appeal may vacate a concurrency determination  
39 upon a showing that the determination is clearly erroneous. The ((department of public works'))  
40 professional engineering judgment and expertise of the county engineer shall be entitled to  
41 substantial weight. The party challenging the concurrency determination shall have the burden of  
42 proof.  
43

Section X. Snohomish County Code Section 30.66B.210, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.210 Inadequate road condition determination and requirements.**

(1) ~~((Regardless of the existing level of service,))~~ A proposed development which adds three or more ~~((p.m.))~~ peak-hour trips to ~~((a location in the road system determined to have))~~ an existing inadequate road condition (IRC) at the time of ~~((imposition of mitigation requirements))~~ application, or ~~((development))~~ whose traffic or access will likely cause an IRC ~~((at the time of full occupancy of the development))~~, must eliminate the IRC ~~((To eliminate an inadequate road condition means to make sufficient changes))~~ by making sufficient improvements to the road system to allow the county engineer to determine that the location no longer constitutes an ~~((inadequate road condition))~~ IRC. Trip generation for a development involving a future development tract or property with a pending or prior approved boundary line adjustment (BLA), shall be calculated pursuant to SCC 30.66B.130(4).

~~((2) If a developer wishes to challenge the department's determination that the development adds three or more p.m. peak-hour trips through any IRC location on the road system, the developer may submit a traffic distribution analysis in accordance with SCC 30.66B.035. If the traffic distribution analysis shows that the development does not add three or more p.m. peak-hour trips through the IRC location, the application for the development will be allowed to proceed with no obligation to eliminate an IRC.))~~

~~((3))~~ (2) If a potential IRC location uninvestigated by the ~~((department of public works))~~ DPW is brought to the attention of the hearing ~~((body))~~ examiner at a public hearing ~~((as a potential IRC))~~, the hearing ~~((body))~~ examiner shall determine if investigation is warranted and if so, the hearing ~~((body))~~ examiner shall not conclude the hearing until the location has been investigated and a determination of its status made by the county engineer. The ~~((county engineer's))~~ DPW's investigation shall occur within ~~((14 days))~~ 15 working days of the identification of the potential IRC, or within ~~((14 days))~~ 15 working days of submission of a ~~((traffic study))~~ new or revised TIA by the developer, if the county engineer determines one is required.

~~((4))~~ (3) The county engineer shall determine ~~((whether or not))~~ if a location constitutes an IRC in accordance with the county engineer's professional engineering judgment and the ~~((department of public works'))~~ DPW administrative rules.

(4) The county engineer's determination that a location ~~((constitutes))~~ either does or does not constitute an IRC is shall be final and is not subject to review by or appeal ~~((pursuant to SCC 30.66B.820))~~ to the hearing examiner, but the effect of an IRC location determination on a development may be appealed in accordance with SCC 30.66B.820.

~~((5) A development's access onto a public road shall be designed so as not to create an IRC. Developments shall be designed so that IRCs are not created.))~~

Section X. Snohomish County Code Section 30.66B.220, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.220 Improvements to remove inadequate road condition((s)) - timing.**

(1) Improvements to remove ~~((the inadequate road condition (IRC) must))~~ an IRC shall be ~~((complete or under))~~ :

(a) Completed or under contract before ~~((a))~~ any building permits for the development ~~((will))~~ can be issued; and ~~((the road improvement must be complete))~~

(b) Completed before any certificate of occupancy or final inspection will be issued.

(2) When no building permit is associated with the development, such as development requiring a conditional use permit or administrative conditional use permit, improvements removing the IRC must be completed as a precondition to approval.

~~((3) A developer may opt to eliminate an IRC by constructing offsite road improvements in accordance with SCC 30.66B.170.))~~

Section X. A new section is added to Chapter 30.66B of the Snohomish County Code to read: (NOTE: This Code Section Was Relocated From 30.66B.325 For Better Code Section Alignment)

**30.66B.225 Comprehensive plan amendment - analysis of change in capacity needs.**

Any comprehensive plan amendment proposed in conjunction with a development proposal will include in its environmental impact analysis the change in capacity needs, as a result of the proposed plan amendment, of all arterial roads impacted by 25 or more p.m. peak hour trips generated by the development irrespective of the boundaries of the TSA wherein the plan amendment is located and not limited to the road system as defined in chapter 30.91R SCC. Any increases in the capacity needs of the roads analyzed will be considered an impact caused by the plan amendment and will be mitigated as a requirement of development approvals if the plan amendment is allowed.

Section X. Snohomish County Code Section 30.66B.310, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.310 Road system impact fee - required.**

(1) A development shall mitigate its impact upon the future capacity of the road system by paying a road system impact fee reasonably related to the impacts of the ~~((development))~~ developments net new ADT on the arterial roads located in the ~~((same transportation service area as))~~ developments TSA identified on the DPW presubmittal conference review form pursuant to SCC 30.66B.120, at the rate identified in SCC Table 30.66B.330 for the type and location of the proposed development.

(2) A development's road system impact fee shall be based upon the rate in effect at the time the development's application is determined complete and will be equal to the development's net new ~~((average daily traffic (ADT)))~~ ADT, based on the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers, times the per trip amount for the

specific ~~((transportation service area))~~ TSA identified in SCC Table 30.66B.330, ~~((except))~~  
provided that the following adjustments may be made:

(a) In accordance with RCW ~~((82.02.060(4)))~~ 82.02.060(5), the director of ~~((public works))~~ the DPW shall have the authority to adjust the amount of the impact fee to consider unusual circumstances in specific cases to ensure that impact fees are fairly imposed;

(b) In accordance with RCW ~~82.02.060(5)~~ 82.02.060(6), the director of ~~((public works))~~ the DPW shall have the authority to adjust the amount of the impact fee to be imposed on a particular development to reflect local information when available, including studies and data submitted by the developer; and

(c) Adjustments will be made for trip reduction credits approved under SCC ~~((30.66B.640 --650))~~ 30.66B.670.

~~((2))~~ (3) As required by RCW ~~((82.02.060(3)))~~ 82.02.060(4), credit against a development's road system impact fee shall be provided for dedication of land for, improvement to, or construction of any system capacity improvements that are identified in the ~~((transportation needs report))~~ transportation element of the county's GMA comprehensive plan and the TNR as part of the road system impact fee cost basis and are imposed by the county as a condition of approval.

~~((3))~~ (4) As provided for by RCW 82.02.060(2), exemption from road system impact fees may be provided for low income housing and other development with a broad public purpose, provided that the road system impact fee for such development is paid from public funds other than impact fee accounts. The developer requesting the exemption shall be responsible for identifying the source of and securing the availability of such public funds.

~~((4))~~ Developments which are determined to cause a greater reduction in ADT on the road system than the number of new ADT generated by the development, by promoting the use of transit or other means, will be determined to generate no new ADT for the purpose of determining the developments road system impact fee.

Section X. Snohomish County Code Section 30.66B.315, adopted by amended Ordinance No. 02-064 on December 9, 2002, is repealed. (NOTE: This Section Was Moved To New Section 30.66B.225 For Better Code Section Alignment)

~~((30.66B.315 Comprehensive plan amendment -- analysis of change in capacity needs.))~~

~~((Any comprehensive plan amendment proposed in conjunction with a development proposal will include in its environmental impact analysis the change in capacity needs, as a result of the proposed plan amendment, of all arterial roads impacted by 25 or more p.m. peak hour trips generated by the development irrespective of the boundaries of the transportation service area wherein the plan amendment is located and not limited to the road system as defined in chapter 30.91R SCC. Any increases in the capacity needs of the roads analyzed will be considered an impact caused by the plan amendment and will be mitigated as a requirement of development approvals if the plan amendment is allowed.))~~

Section X. Snohomish County Code Section 30.66B.320, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.320 Road system impact fee - cost basis.**

(1) ~~((The road system impact fees will be collected and spent for capacity improvements on facilities that are addressed by the county's capital facilities plan. In accordance with RCW 82.02.050(3), the impact fees))~~ In accordance with RCW 82.02.050(3), road system impact fees will be collected and spent for system capacity improvements on facilities that are identified in the transportation element of the county's GMA comprehensive plan and shall:

(a) ~~((Shall only))~~ Only be imposed for system capacity improvements that are reasonably related to the new development;

(b) ~~((Shall not))~~ Not exceed a proportionate share of the costs of the system capacity improvements reasonably related to the new development;

(c) ~~((Shall be))~~ Be used for system capacity improvements that will reasonably benefit the new development.

(2) The road system impact fee cost basis is established in the transportation needs report. The estimated cost of capacity improvements that are reasonably related to the impacts of new development, and that will reasonably benefit new development, will be identified in the ~~((transportation needs report))~~ TNR for each ~~((transportation service area))~~ TSA. Capacity improvements to facilities under the jurisdiction of the Washington State Department of Transportation (WSDOT), a city~~((or another))~~, town or other county may be included when consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(9). The road system impact fee cost basis is subject to the following adjustments:

(a) As required by RCW 82.02.060(1)(b), the impact fee cost basis will be adjusted to provide a credit for taxes (excluding impact fees imposed under this section) paid by new development which help pay for the identified capacity improvements.

(b) Consideration shall be given to other funds available to pay for the capacity improvements included in the impact fee cost basis.

(c) The impact fee cost basis may include costs previously incurred by the county for capacity improvements for which excess capacity exists.

(3) The amount of the road system impact fee will be determined for each ~~((transportation service area))~~ TSA, based on and not to exceed, the impact fee cost basis divided by the number of new daily vehicle trip ends generated, as identified in the transportation needs report.

(4) Improvements needed to remedy any level-of-service deficiencies in facilities serving current uses will not be included in the impact fee cost basis.

Section X. Snohomish County Code Section 30.66B.330, last amended by Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

**30.66B.330 ~~((Fee))~~ Road system impact fee - schedule.**

**Table 30.66B.330 ((fee schedule.))**  
**Road system impact fee schedule**

LOCATION	TYPE	NEW TRIP AMOUNT	
Transportation	Residential/	Developments	Developments



Service Area (TSA)	Commercial	Inside the Urban Growth Area (UGA)	Outside the Urban Growth Area (UGA)
A	RESIDENTIAL	\$242	\$264
A	COMMERCIAL	\$206	\$227
B	RESIDENTIAL	\$364	\$397
B	COMMERCIAL	\$309	\$343
C	RESIDENTIAL	\$152	\$166
C	COMMERCIAL	\$129	\$142
D	RESIDENTIAL	\$267	\$291
D	COMMERCIAL	\$227	\$252
E	RESIDENTIAL	\$230	\$252
E	COMMERCIAL	\$196	\$216
F	RESIDENTIAL	\$230	\$252
F	COMMERCIAL	\$196	\$216

Section X. Snohomish County Code Section 30.66B.340, last amended by Ordinance No. 10.085 on October 20, 2010, is amended to read:

**30.66B.340 ((Timing of road)) Road system impact fee - timing of payment.**

(1) Payment of a road system impact fee is required prior to building permit issuance except as provided in ~~((SCC 30.66B.340(3)))~~ subsection (3) of this section. Where no building permit will be associated with the development, such as a development requiring a conditional or administrative conditional use permit, payment is required as a precondition to approval. For a binding site plan for which the concurrency expiration date is more than six years after the concurrency determination date, one-half of the payment is required prior to recording of the binding site plan with record of survey.

(2) The amount of the road system impact fee payment shall be based upon the rate in effect ~~((at the time of filing of a complete application for development))~~ as of the date the developments application is deemed complete.

(3) Payment of the road system impact fee required for a detached single-family residential dwelling constructed for resale may be deferred from the time of building permit issuance, but shall be paid in full either upon the closing of the sale of the property, or 18 months from the date of issuance of the original building permit, whichever is earlier, or prior to any occupancy of the structure if the property owner elects to retain ownership and not sell the property. The department shall allow an applicant to defer payment of a road system impact fee when, prior to the issuance of the building permit, the applicant:

(a) Submits a signed and notarized deferred impact fee application and acknowledgement form for either an individual detached single-family residential dwelling, or a group of detached

single-family residential dwellings in the same development, for which the property owner wishes to defer payment of road system impact fees; and

(b) Pays a non refundable \$250.00 administration fee for each deferred impact fee application; and

(c) Records a lien for impact fees against the property in favor of the county in the total amount of all deferred impact fee(s). The lien for impact fees shall:

(i) Be in a form approved by the county; and

(ii) Include the legal description, tax account number and address of the individual lot; or

(iii) Include the legal description, tax account number and address for each lot if the lien will encumber all lots in a development where the impact fee has not been paid.

(4) If the dwelling will be located within a subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the building permit.

(5) A single deferred impact fee application, administration fee, and lien for impact fees will be required when the applicant requests deferral of both road system impact fees and park and recreation impact fees under SCC 30.66A.020, either on an individual lot basis or for all lots in a development where the impact fees have not been paid.

(6) Payment of deferred road system impact fees shall be made by cash, escrow company check, cashiers check, certified check, or credit card.

(7) Upon receipt of payment of deferred mitigation fees the department will generate and execute a separate lien release for each individual detached single-family residential dwelling. The property owner, at their expense, will be responsible for recording each separate lien release.

(8) Compliance with the requirements of the deferral option shall constitute compliance with subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

Section X. Snohomish County Code Section 30.66B.350, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.350 ((Administration of road)) Road system impact fee - administration of payments.**

(1) Any road system impact fee payment made pursuant to this chapter shall be held in a reserve account and shall be expended to fund improvements on the road system in accordance with chapter 82.02 RCW.

(2) An appropriate and reasonable portion of payments collected may be used for administration of this chapter.

(3) Any refund of a road system impact fee ((due to a developer)) shall be administered in accordance with chapter 82.02 RCW and ((this section.)) the following:

(a) Any refund approved under this section ((, or following an administrative appeal as provided in SCC 30.66B.370,)) shall be made to the current property owner at the time the refund is authorized, unless the current property owner ((releases)) signs a notarized affidavit that:

(i) Releases the county from any obligation to refund the current property owner ((-)) ;

and

(ii) Identifies the refund recipient.

(b) A developer may request and shall receive a refund, including interest earned on the impact fees, when the ((developer)) development does not proceed ((with the development activity)) and no impact has resulted. Recording of a subdivision or short subdivision, or a binding site plan with a record of survey constitutes proceeding with development activity for the purpose of refund applicability ((-)) ; and

(c) Prior to approving a refund request, all active building permits associated with the development for which impact fees were paid, shall be voided.

(4) ~~((A developer shall pay a road system impact fee under protest in order to obtain a permit or other approval for development while reserving the right to challenge the road system impact fee pursuant to SCC 30.66B.370. Any developer protest to payment of the impact fee must be submitted in writing concurrently with payment. Failure to provide such written protest at the time of fee payment shall be deemed a withdrawal of any appeal filed under SCC 30.66B.370.))~~  
The appeal of a decision requiring the payment of a road system impact fee shall be pursuant to SCC 30.66B.730.

Section X. Snohomish County Code Section 30.66B.360, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.360 Relationship between impact fees and special district fees.**

(1) This chapter does not preclude the establishment of road improvement districts, local improvement districts, transportation benefit districts, or similar governmental funding mechanisms for the construction of specific transportation improvements.

(2) If a special district is formed to provide for the construction of an improvement as identified in the impact fee cost basis of the ~~((transportation needs report))~~ TNR, the assessment or fee required by the special district for the specific improvement will be compared to the impact fee payment that would otherwise be imposed. If the special district fee is the same or greater than the amount of the impact fee payment, the impact fee will be considered paid through the special district fee. If the special district fee is less than the amount of impact fee payment, the amount of the impact fee payment will be reduced by the value of the special district fee.

(3) If a special district is formed for improvements that are not identified as part of the ~~((transportation needs report))~~ TNR, then a development will be required to pay the special district fee in addition to payment of any impact fee imposed under this chapter.

(4) If the improvement to be built by the special district is in the ~~((transportation needs report))~~ TNR but completely or partially out of the development's road system, the special district fee shall offset the impact fee only in proportion to the cost of the portion of the special district improvement that is located in the development's road system.

(5) Impact fee payments for those properties affected by special districts, as described above, established prior to February 9, 1991, shall be administered in the same manner as described in this section. If properties are subdivided, impact fee payments shall be compared against the applicable, corresponding, proportionate special district fees.

Section X. Snohomish County Code Section 30.66B.370, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.370 ((Review of impact fees)) Notice and appeal requirements for a concurrency determination and a decision to impose road impact mitigation.**

(1) ~~((Any person aggrieved by a decision applying an impact fee under this chapter to a development application ((and who has filed a written protest in accordance with SCC 30.66B.350 may appeal the decision to the hearing examiner using the procedures established in SCC 30.71.050. Where there is an administrative review or appeal process before the hearing examiner for the underlying application, an appeal of an impact fee imposed pursuant to this chapter must be combined with administrative review or appeal of the underlying application. Where there is no administrative review or appeal process before the hearing examiner for the underlying application, the appeal shall be limited to application of the impact fee. The department of planning and development services shall provide notice of the decision to impose impact fees pursuant to this chapter for a Type 1 or 2 project application and the procedure for administrative review or appeal. Notice shall be provided in accordance with chapter 30.71 or 30.72 SCC, as may be applicable.))~~ Notice of decision for a:

(a) Pre-application concurrency determination shall be made pursuant to SCC 30.71.040;

(b) Concurrency determination associated with a Type 1 permit shall be combined with the notice of decision for the underlying Type 1 permit if a notice of decision is required for the underlying Type 1 permit;

(c) Concurrency determination associated with a Type 2 permit shall be combined with the notice of hearing for the underlying Type 2 permit; or

(d) Concurrency determination associated with all other development shall be combined with the notice of decision for the underlying development if a notice of decision is required for the underlying development.

(2) ~~((At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence. The impact fee may be modified upon a determination that it is proper to do so based on the application of the criteria contained in SCC 30.66B.310. Appeals under this section shall be limited to application of the impact fee provisions to the specific development activity for which application is made, and the provisions of this chapter shall be presumed valid. The aggrieved person must provide written documentation to the hearing examiner demonstrating why the concurrency determination fails to satisfy the requirements of this chapter.))~~

(e) ~~The decision of the hearing examiner is final and conclusive with an optional right of reconsideration as provided in SCC 30.72.065 and may then be appealed by an aggrieved party of record to the county council pursuant to SCC 30.72.070 together with an appeal of the underlying permit or approval decision.))~~ Appeal of either a concurrency determination or a decision requiring the payment of a road system impact fee required pursuant to this chapter that is associated with:

(a) A Type 1 permit shall be pursuant to SCC 30.71.050 and shall be combined with an appeal of the Type 1 permit;

(b) A Type 2 permit shall be pursuant to SCC 30.71.050 and shall be considered at an appeal hearing that is combined with the open record hearing for the Type 2 permit; or

(c) All other development subject to the provisions of this chapter shall be combined with an appeal of the underlying development and considered at an appeal hearing for the underlying development approval.

(3) An applicant who wishes to appeal a decision requiring the payment of a road system impact fee pursuant to subsections (a) and (b) of this section shall pay the impact fees under protest, with said protest being submitted in writing prior to the payment of the impact fees. Failure to provide such written protest at the time of fee payment shall be deemed a waiver of the appeal.

Section X. Snohomish County Code Section 30.66B.410, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.410 Frontage ((improvement requirements)), on-site and off-site vehicular and pedestrian circulation improvements - required.**

(1) All developments ((will)) shall be required to ((make)) construct necessary frontage, on-site and off-site vehicular and pedestrian circulation improvements as determined by the county engineer in accordance with SCC 30.66B.430 and as outlined in the DPW administrative rules. ((, along the parcel's frontage on any opened, constructed, and maintained public road. The required improvements shall be constructed in accordance with the EDDS, including correction of horizontal and vertical alignments, if applicable.))

(2) ((The improvement standard will be established by the director of public works in accordance with SCC 30.66B.430 and as outlined in the department of public work's administrative rules on frontage improvements.)) The necessary improvements shall include correction of horizontal and vertical alignments if applicable.

Section X. Snohomish County Code Section 30.66B.420, adopted by amended Ordinance No. 02-064 on December 9, 2002, is repealed. *(NOTE: This Section Was Combined With 30.66B.430 For Better Clarity And Consistency)*

**~~((30.66B.420 Access and transportation circulation requirements.))~~**

~~((1) All developments will be required to:~~

~~(a) Provide for access and transportation circulation in accordance with the comprehensive plan and this chapter applicable to the particular development;~~

~~(b) Design and construct such access in accordance with the EDDS, and~~

~~(c) Improve existing roads that provide access to the development in order to comply with adopted design standards, in accordance with SCC 30.66B.430.~~

~~(2) Access to state highways and city streets shall be in accordance with the applicable state or city standards and requirements.~~

~~(3) All developments that propose to take access via an existing public or private road which, for the vehicle trips projected to use the road after full occupancy of the development, is not designed and constructed in accordance with the EDDS, will be required to improve such road to bring it into compliance with the EDDS when the director of public works determines it necessary to provide for safety and the operational efficiency of the road. The extent of~~

improvements will be established by the director of public works in accordance with SCC 30.66B.430.))

Section X. Snohomish County Code Section 30.66B.430, last amended by Amended Ordinance No. 05-083 on December 21, 2005, is amended to read:

**30.66B.430 ((Extent of improvements)) Frontage, on-site and off-site vehicular and pedestrian circulation improvements – extent of. THIS REPLACES .420**

(1) The extent of frontage, on-site, and off-site vehicular and pedestrian circulation improvements ((, offsite road improvements, or access and transportation circulation improvements necessary to meet the requirements of this chapter and Title 13 SCC)) will be established by the ((director of public works. The)) county engineer pursuant to subsection (3) of this section, other applicable requirements of this chapter, chapter 30.24 SCC and the EDDS. A developer may be responsible for preparing any aspect of engineering design or investigation necessary to establish the extent of improvements if the ((director of public works)) DPW does not have the design or investigation programmed or under way consistent with the ((development's)) developments schedule. ((The traffic study shall contain analysis of the extent of any improvements determined to be necessary by the director of public works.))

(2) ((Design of improvements shall be in accordance with the EDDS. Where an interim or partial improvement is implemented through SCC 30.66B.440, the improvement design shall be compatible with the adopted standard.)) Any development proposing to take access via an existing road network element which the county engineer has determined to be inadequate for the vehicle trips projected to use the road network element after full occupancy of the development, will be required to improve such road network element to a standard determined adequate by the county engineer.

(3) ((In determining improvements required, the director of public works will consider, with other relevant factors, the following:

- (a) ~~Extent of the development proposed;~~
- (b) ~~Priority of improvements to involved county roads in the county's six-year transportation improvement plan;~~
- (c) ~~Condition of existing transportation facilities in comparison to adopted standards;~~
- (d) ~~Existing and projected land uses and development densities;~~
- (e) ~~Current and projected levels of service on the affected road system;~~
- (f) ~~Availability of public transit;~~
- (g) ~~Any traffic study submitted;~~
- (h) ~~Availability of a specific improvement program;~~
- (i) ~~The number of dwelling units currently using the road system that must be improved and projected to use the road system after full occupancy of the development;~~
- (j) ~~The needs of low-income persons for decent, affordable, low-cost housing;~~
- (k) ~~Transportation system or demand management measures proposed by the developer;~~
- (l) ~~The need for pedestrian and bicycle facilities;~~
- (m) ~~Continuity with existing and proposed improvements;~~
- (n) ~~Development standards of adjacent cities;~~
- (o) ~~The need for safety improvements for school children; and~~

~~(p) The types, sizes and performance of vehicles generated by the development, including but not limited to large trucks.))~~ The extent of frontage, on-site and off-site vehicular and pedestrian circulation improvements necessary for a proposed development to meet the applicable requirements of this chapter in mitigating the developments impacts to the road system, will be determined by the county engineer in considering, along with other relevant factors, the:

- (a) Extent of the development proposed;
- (b) Priority of improvements to county roads identified in the county's TNR and six-year Transportation Improvement Plan (TIP);
- (c) Adopted design report, roadway design or right-of-way plan which calls for a different right-of-way width for the road under investigation;
- (d) Condition of existing transportation facilities in comparison to adopted standards;
- (e) Existing and projected land uses and development densities;
- (f) Availability of public transit;
- (g) Current ADT on the road system being evaluated and the projected ADT to use that road system after full occupancy of the proposed development;
- (h) Needs of development for low-income, affordable, low-cost housing subject to chapter 30.76 SCC;
- (i) Need for bicycle facilities as required in the approved countywide bicycle facilities system plan and pedestrian facilities;
- (j) Continuity with existing and proposed improvements;
- (k) Development standards of adjacent jurisdictions;
- (l) Need for improvements that assure safe walking conditions for students who walk to and from school; and
- (m) Types, sizes and movement characteristics of vehicles generated by the development, including, but not limited to, large trucks.

Section X. Snohomish County Code Section 30.66B.440, last amended by Amended Ordinance No. 10-086 on October 20, 2010, is amended to read:

#### **30.66B.440 Timing of improvements.**

~~(1) Construction of ((frontage improvements, offsite road improvements, and access and transportation))~~ all necessary frontage, on-site, and off-site vehicular and pedestrian circulation improvements ((is)) shall be required prior to ((approval for)) the:

- (a) Recording of a:
  - (i) Final plat;
  - (ii) Final short plat, provided that for two lot short plats the county engineer may, pursuant to the DPW administrative rules, approve the delayed construction of certain minimum public frontage improvements; or
  - (iii) Binding site plan.
- (b) Issuance of either a temporary or permanent certificate of occupancy or final inspection ((, except that if the development is a subdivision or short subdivision, construction is required prior to the recording unless with the approval of the county engineer, construction is assured with a performance security in accordance with SCC 30.84.105)) for development other than a plat, short plat or binding site plan.

(2) When no building permit will be associated with a conditional or administrative conditional use permit, construction of improvements ((is)) shall be required as a precondition to approval (~~(, unless some later time of construction is recommended by the director of public works and imposed by the approving authority as a condition of approval)~~).

Section X. Snohomish County Code Section 30.66B.510, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.510 Right-of-way requirements.**

(1) A developer shall be required to dedicate, establish, or deed right-of-way to the county for road purposes as a condition of approval of a development, when the county engineer, in accordance with the applicable provisions of this chapter and chapter 30.24 SCC, determines that to do so is reasonably necessary as a direct result of a proposed development, for either the improvement, use or maintenance of the road system serving the development.

(2) In cases where the dedication, establishment, or deeding of additional right-of-way cannot be reasonably required as a direct result of the proposed development, but such right-of-way is determined by the county engineer to be necessary for future expansion of the public road system, the county engineer shall establish a reserve area reservation line pursuant to SCC 30.24.140(2) and the developer shall reserve the area needed for right-of-way for future conveyance to the county. (~~(Building setback and all other zoning code requirements will be established with respect to the reservation line rather than the deeded, established, or dedicated right-of-way line. The area reserved for right-of-way may be donated to the county or will be purchased by the county through a county road project.)~~)

Section X. Snohomish County Code Section 30.66B.520, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.520 Right-of-way width.**

(1) Right-of-way shall be dedicated, established, or deeded to provide sufficient right-of-way widths to accommodate road improvement needs. The standard right-of-way widths for non-arterials are based on road classification as defined in the EDDS and for arterials are based on the adopted arterial circulation map. The standard right-of-way widths for non-arterials and arterials are:

<b>Non-Arterials</b>	-
Access Streets Urban Growth Area	50 feet
Access Roads Rural Area	60 feet
Sub-collector Streets Urban Growth Area	50 feet
Sub-collector Roads Rural Area	60 feet



Collector Streets Urban Growth Area	60 feet
Collector Roads Rural Area	60 feet
<b>Arterials</b>	-
Collector Arterials Urban Growth Area	70 feet
Minor Collector Rural Area	70 feet
Minor Arterials Urban Growth Area	80 feet
Major Collector Rural Area	80 feet
Principal Arterials Urban Growth Area	100 feet
Principal or Minor Arterial Rural Area	100 feet

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<u>Right-of-way Type and Classification</u>	<u>Standard Width</u>
<u>Non-Arterials</u>	
<u>Urban</u>	
<u>Local Access Street</u>	<u>50 feet</u>
<u>Sub-collector Street</u>	
<u>Collector Street</u>	<u>60 feet</u>
<u>Rural</u>	
<u>Local Access Road</u>	<u>60 feet</u>
<u>Sub-collector Road</u>	
<u>Collector Road</u>	
<u>Arterials</u>	
<u>Minor Collector</u>	<u>70 feet</u>
<u>Major Collector</u>	<u>80 feet</u>
<u>Minor Arterial</u>	<u>80 feet</u>

Principal Arterial	100 feet
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(2) Wider or narrower right-of-way widths than the standard may be required to accommodate the public road improvements including, but not limited to: slopes, cuts, fills, vertical and horizontal curvature, sight distance, and drainage as determined necessary by the county engineer, based on one or more of the following criteria; the provisions of SCC 30.66B.430, an adopted design report, roadway design, or right-of-way plan, and the EDDS. Provided, that the right-of-way widths identified is subsection one of this section for arterials, may not be reduced by more than ten feet without the express approval of the county council.

~~((a) Contents of the transportation element of the comprehensive plan, including but not limited to the provision of safe and efficient movement of pedestrians, equestrians and bicyclists with emphasis on transit facilities, schools, and parks and scenic areas;~~

~~(b) The likelihood of maintenance of sidewalks, walkways, trails, bikeways or planters outside of public right-of-way;~~

~~(c) An adopted design report, roadway design or right-of-way plan which calls for a different right-of-way width for the road under investigation;~~

~~(d) Nature of the roadway and road involved, and its impact on neighboring properties including width, slopes, cuts, fills, vertical and horizontal curvature, sight distance at intersections, and the nature of the development and the land upon which it is situated;~~

(e) ~~EDDS requirements including but not limited to land alteration, site access, road types and geometries, road elements and roadside features, drainage and utilities;~~

(f) ~~Any other factors affecting the health, safety, property and general welfare of the public, including users of the roads, sidewalks, walkways, trails or bikeways and the development; and~~

(g) ~~The provision of adequate public transit facilities.))~~

~~((3) Right of way widths may not be reduced for arterials may not be reduced by more than ten feet below the following minimums standard right of way widths identified is subsection one of this section, without express approval from the county council:))~~

~~((a) Collector Arterials Urban Growth Area 60 feet;))~~

~~((b) Minor Collector Rural Area 60 feet;))~~

~~((c) Minor Arterials Urban Growth Area 70 feet;))~~

~~((d) Major Collector Rural Area 70 feet;))~~

~~((e) Principal Arterials Urban Growth Area 80 feet; and))~~

~~((f) Principal or Minor Arterial Rural Area 80 feet.))~~

~~((4) The county engineer is authorized to include in the EDDS standard drawings depicting the standard right of way widths and modification criteria as contained within this chapter.))~~

Section X. Snohomish County Code Section 30.66B.530, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.530 Compensation for right of way and improvements.**

(1) A developer shall be compensated for either right-of-way ~~((dedicated, established, or deeded))~~ or road system improvements that are required as a condition of approval of a development, when the right-of-way or improvements are:

(a) ~~((Is not))~~ Not necessary for the use and convenience of the occupants or users of the development; or

(b) ~~((Is necessary))~~ Necessary for the construction of improvements identified in the ~~((transportation needs report))~~ TNR and included as part of the cost basis of ~~((any))~~ the road system impact fee imposed upon the development under this chapter.

(2) For purposes of ~~((SCC 30.66B.530(1)(a)))~~ subsection (1)(a) of this section, the minimum right-of-way or improvements that are necessary for the use and convenience of the occupants or users of the development shall include:

(a) A two-lane road for access;

(b) Frontage improvements in accordance with this chapter; and

(c) Property ~~((located within 30 feet of the centerline of the right of way, as determined by the department of public works))~~, as determined by the DPW pursuant to SCC 30.66B.520, located within either:

(i) 30 feet of the centerline of the right-of-way for non-arterials; or

(ii) One half the width of the right-of-way for arterials.

(d) Additional lanes including 2-way turn lanes to accommodate vehicles exiting or entering the development; and

(e) Access roads to adjacent property that, when once connected to the area road system, will provide a convenient alternative access to occupants of the development.

(3) Compensation for right-of-way (~~((dedicated, established, or deeded))~~) meeting the requirements of subsection (1) of this section shall be provided as a credit against any road system impact fee payment imposed under this chapter, except where the value of the right-of-way is greater than the impact fee payment, in which case compensation for the balance between the value of the right-of-way and the impact fee payment shall be by either payment ((- Nonmonetary compensation such as)) or development alternatives ((may be provided in lieu of credit and/or payment)) or a combination of both, where agreed to by the ((director of public works)) county engineer and the developer.

(4) Compensation for constructed road system improvements meeting the requirements of subsection (1) of this section shall be provided as a credit against any road system impact fee payment imposed under this chapter, after any compensation for right-of-way, if required, meeting the requirements of subsection (1) of this section. The value of the credit shall not exceed the value of the road system impact fee payment.

Section X. Snohomish County Code Section 30.66B.540, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.540 Dedication, establishment, or deeding of right-of-way - timing.**

The timing of right-of-way dedication, establishment, or deeding shall be pursuant to the applicable provisions for the type of development proposed.

(1) ~~((Right of way shall be dedicated, established, or deeded prior to building permit issuance, except as follows:~~

~~(a) For rezone applications accompanied by an official site plan, as a precondition of approval;~~

~~(b) For binding site plans, subdivisions or short subdivisions, prior to the time of recording; or~~

~~(c) For conditional use or administrative conditional use permits for which no building permit is associated, as a precondition to approval.))~~ Right-of-way dedication, establishment, or deeding shall be in accordance with the following:

(a) At the time of recording of a plat, short plat, or binding site plan;

(b) As a precondition of approval for:

(i) Rezone applications, when accompanied by an official site plan;

(ii) Conditional or administrative conditional use permits for which no building permit is associated; or

(iii) Developments subject to the requirements of chapter 30.34A SCC;

(c) Prior to issuance of construction permits for all other development.

~~(2) ((If more than one of SCC 30.66B.540(1)(a) - (c) apply, the right of way shall be dedicated or deeded at the earliest stage of development.))~~ If more than one of the provisions in subsection (1) of this section applies, the right-of-way shall be dedicated, established, or deeded pursuant to whichever provision requires it first.

Section X. Snohomish County Code Section 30.66B.610, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

**~~((30.66B.610 Transportation demand management-general.))~~**

~~(((1) Transportation demand management (TDM) is a strategy for reducing vehicular travel demand, especially by single-occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. This is a particularly important strategy in cases where road facilities have already reached the practical limit for physical expansion, congestion is severe, and projections for future traffic indicate continued growth.))~~

~~(((2) TDM employs a wide range of measures to increase the use of ridesharing, carpools, vanpools, transit and non-motorized transportation such as bicycling and walking. Transportation coordinators, ride-match assistance, preferential parking, flextime, transit subsidies, increased parking fees, reduced parking supply, and provision of shuttle services in areas lacking transit service are examples of TDM measures. TDM measures can be characterized either as site-design features facilitating TDM compatibility which consist of fixed physical features in site design or capital facilities, and programmatic measures specific to users of the sites (e.g., employers, customers, clients).))~~

Section X. A new section is added to Chapter 30.66B of the Snohomish County Code to read: *(NOTE: This section was moved here from 30.66B.630 for better code section alignment)*

**30.66B.600 Transportation demand management - required.**

(1) All new development in urban growth areas shall provide transportation demand management (TDM) to indicate the potential for removing a minimum of five percent of the developments peak-hour trips from the road system. All other TDM measures required or allowed by this chapter shall be in addition to the minimum TDM required pursuant to subsection (1) of this section. This requirement may be met by:

(a) The construction of on-site design measures pursuant to SCC 30.66B.617;

(b) The construction of off-site TDM measures pursuant to SCC 30.66B.620; or

(c) A voluntary payment pursuant to SCC 30.66B.625.

(2) All new development subject to the requirements of chapter 30.34A SCC shall provide TDM to indicate the potential for removing an additional ten percent of a developments peak-hour trips from the road system than that required by subsection (1) of this section. This requirement may be met by providing either one or a combination of:

(a) On-site TDM measures with an area wide impact pursuant to SCC 30.66B.650(2);

(b) Off-site TDM measures pursuant to SCC 30.66B.620, which shall be in addition to any off-site TDM measures provided under subsection (1)(b) of this section;

(c) A voluntary payment pursuant to SCC 30.66B.625; or

(d) The implementation of a voluntarily trip reduction program pursuant to SCC 30.66B.650(1), when the TDM requirement under subsection (1)(a) of this section was utilized.

(3) A developer is encouraged to provide additional TDM measures than those required by this chapter through earning additional trip reduction credits as provided in SCC 30.66B.650.

(4) TDM measures other than those required pursuant to subsection (1) of this section, may be approved in percentage amounts less than the minimum required to partially satisfy a developments TDM requirement, provided the DPW determines the reduced TDM measures will still have the potential for removing the approved percent amount of the developments peak-hour trips from the road system. Under this option, the remaining TDM percentage requirement shall be met through a voluntary payment pursuant to SCC 30.66B.625.

(5) Trip reduction credits shall be determined pursuant to SCC 30.66B.670.

(6) TDM is not required for development in the rural area.

(7) Prior to either a final inspection or the issuance of any certificate of occupancy, all TDM measures approved pursuant to this chapter shall be constructed and any voluntary trip reduction program or special access easements shall be recorded as restrictive covenants on the title of the appropriate properties.

(8) The maximum TDM measures a development shall be required to provide is twenty percent.

(9) A development that will impact any arterial unit that has multiple designations, i.e. ultimate capacity, multi modal etc., shall not be required to provide separate TDM measures for each designation, but shall be required to provide TDM measures at whichever designation requires the highest TDM amount.

Section X. Snohomish County Code Section 30.66B.615, last amended by Amended Ordinance No. 07-116 on December 18, 2007, is repealed.

### **30.66B.615    Transportation demand management – calculation of value of TDM obligations.**

In calculating the amount of a development's TDM obligation under this chapter, the cost of removing one peak hour trip from the road system is approximately \$6,500. For a development required to provide TDM pursuant to ~~((SCC 30.66B.160 or SCC 30.66B.630))~~ this chapter, the value of the development's TDM obligation ((will)) shall be equal to \$6,500 times the required trip reduction percentage times the development's peak-hour trip generation.

Section X. A new section is added to Chapter 30.66B of the Snohomish County Code to read: *(NOTE: This section was moved here from 30.66B.640 for better code section alignment)*

### **30.66B.617    Transportation demand management – construction of on-site TDM measures.**

A development choosing to meet its TDM requirement pursuant to SCC 30.66B.600 through the construction of on-site design measures shall be subject to the following:

(1) A commercial or multi-family development electing to meet its minimum TDM requirement under SCC 30.66B.600(1) may do so by incorporating all of the following applicable on-site design measures to the satisfaction of the DPW:

(a) A safe, appropriate and connected pedestrian circulation system that provides continuity related to the road network by joining the main building entrance of each building directly with:

1        (i) The developments frontage improvements;  
 2        (ii) The main building entrance of all other on-site buildings;  
 3        (iii) All onsite recreational facilities, mail boxes locations applicable to each building,  
 4 and active open space; and

5        (iv) Any bus stop or pedestrian facility (e.g., a public sidewalk or commuter trail)  
 6 located adjacent to the development;

7        (b) Where practicable and desirable:

8        (i) For pedestrian access, provision of special easements to facilitate pedestrian  
 9 circulation between the site and adjacent neighborhoods, schools, shopping areas, transit  
 10 facilities, or other activity centers;

11        (ii) The use of minimum setbacks to reduce walking distances;

12        (iii) The placement of vehicle parking to the sides and the rear of the buildings; and

13        (iv) Lighting and weather protection for pedestrian facilities;

14        (c) For commercial or non-residential developments, secure bicycle parking spaces  
 15 (preferably covered) located near the front entrance of each building that number no less than  
 16 two percent of the developments calculated p.m. peak-hour trips;

17        (d) For employment sites, signed preferential parking spaces located near the front  
 18 entrance(s) for carpools or vanpools that number at least six percent of any required employee  
 19 parking spaces.

20        (e) Special easements to the public to facilitate pedestrian circulation between the site and  
 21 adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers when  
 22 practicable as determined by the DPW and when approved by the adjacent property owner; and

23        (f) Where practicable and desirable lighting and weather protection for pedestrian  
 24 facilities.

25        (2) A residential subdivision, short subdivision, single family detached units, cottage  
 26 housing or duplex development electing to meet its minimum TDM requirement under SCC  
 27 30.66B.600(1) may do so by incorporating all of the following applicable on-site design  
 28 measures to the satisfaction of the department:

29        (a) A safe, appropriate and connected pedestrian circulation system that provides  
 30 continuity related to the road network by joining the main building entrance of each building  
 31 directly with:

32        (i) The developments frontage improvements;

33        (ii) The main building entrance of all other on-site buildings;

34        (iii) All onsite recreational facilities, mail boxes locations applicable to each building,  
 35 and active open space; and

36        (iv) Any bus stop or pedestrian facility (e.g., a public sidewalk or commuter trail)  
 37 located adjacent to the development;

38        (b) A safe, appropriate pedestrian facility that joins building entrances with any bus stop or  
 39 pedestrian facility (e.g., commuter trail) located adjacent to the development;

40        (c) Where practicable and desirable:

41        (i) For pedestrian access, provision of special easements to facilitate pedestrian  
 42 circulation between the site and adjacent neighborhoods, schools, shopping areas, transit  
 43 facilities, or other activity centers; and

44        (ii) Lighting and weather protection for pedestrian facilities;

- (d) Special easements to the public to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers when practicable as determined by the DPW and when approved by the adjacent property owner; and
- (e) An overall density of at least four dwelling units per gross acre.

Section X. Snohomish County Code Section 30.66B.620, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.620 Transportation demand management - construction of ~~((offsite))~~ off-site TDM measures.**

(1) A development may satisfy a TDM requirement under SCC 30.66B.160(2)(d)(i) or SCC ~~((30.66B. 630 to provide TDM))~~ 30.66B.600(1) by constructing ~~((a))~~ specific ~~((offsite TDM measure))~~ off-site TDM measures pursuant to subsection (2) of this section, which ~~((has))~~ have a value equal to or greater than the development's TDM obligation as calculated ~~((under))~~ pursuant to SCC 30.66B.615.

(2) The ~~((offsite improvement))~~ off-site measures must be ~~((selected from a list maintained by the department of public works. The list shall specify capital improvements for each TSA and shall be updated periodically in consultation with transit agencies. The developer's choice of improvements is))~~ located within the developments TSA and will be subject to review and approval by the county engineer. Off-site measures may be located in an adjacent TSA if the applicant can demonstrate and the county engineer determines the measures will be a benefit to the development.

(3) The ~~((list of capital improvements))~~ type of off-site measures may include, but are not limited to:

- (a) Construction of new park and ride lots or expansion of existing park and ride lots;
- (b) Construction of miscellaneous high occupancy vehicle (HOV) facilities such as HOV lanes, bus pullouts, bus-stop shelters, queue bypasses, etc;
- (c) Purchase of HOVs such as vans or buses for transit companies; and
- (d) Construction of pedestrian facilities connecting the development with ~~((major activity centers and/or))~~ local attractors such as, but not limited to, shopping centers, schools, parks, libraries or transit facilities located within a quarter mile of the development.

(3) Off-site TDM ~~((measures constructed under this section))~~ measures that are associated with transit must be verified by the transit agency as being beneficial to transit services ~~((must be constructed before any certificate of occupancy or final inspection will be issued)).~~

(4) Off-site TDM measures must be constructed before any certificate of occupancy or final inspection will be issued.

Section X. Snohomish County Code Section 30.66B.625, last amended by Amended Ordinance No. 09-079 on May 12, 2010, is amended to read:

**30.66B.625 Transportation demand management - voluntary payment.**

(1) A development may satisfy a TDM requirement under SCC 30.34A.080, SCC 30.66B.160(2)(d)(i) or SCC ~~((30.66B.630 to provide Transportation Demand Management~~



~~((TDM)))~~ 30.66B.600(1) by making a voluntary payment equal to the ~~((development's))~~ value of the developments TDM obligation as ~~((required))~~ determined pursuant to SCC 30.66B.615.

(2) A developer choosing to make a voluntary payment pursuant to subsection one of this section must submit a written proposal identifying the total amount of the voluntary payment.

~~((2))~~ (3) Funds received by the department for TDM measures will be placed in special accounts with the transportation mitigation fund to be used exclusively for identified TDM measures. The county may construct or purchase these measures or, upon establishment of appropriate interlocal agreements, may transfer the monies to transit agencies for construction or purchase of specific TDM measures. The collection and administration of any funds shall be consistent with SCC 30.66B.350.

(3) Any payment under this section must be made at the time specified in SCC 30.66B.340.

Section X. Snohomish County Code Section 30.66B. 630, last amended by Ordinance No. 02-064 on December 9, 2002, is repealed. *(NOTE: This section was moved to 30.66B.600 for better code section alignment)*

~~((30.66B.630 Transportation demand management – required.))~~ ~~((1) All new development in urban growth areas shall provide sufficient transportation demand management measures to indicate the potential for removing a minimum of five percent of a development's p.m. peak-hour trips from the road system. This requirement may be met by:~~

~~(a) Earning trip reduction credits for construction of onsite design features pursuant to SCC 30.66B.640;~~

~~(b) Construction of offsite TDM measures pursuant to SCC 30.66B.620; or~~

~~(c) A voluntary payment into an account established for the purpose of contributing to the construction or purchase of specific TDM measures pursuant to SCC 30.66B.625.~~

~~(2) A developer is encouraged to provide additional TDM measures through earning additional trip reduction credits to mitigate traffic impacts beyond the five percent minimum established in SCC 30.66B.630, as provided in SCC 30.66B.650.))~~

Section X. Snohomish County Code Section 30.66B.640, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed. *(NOTE: This section was moved to 30.66B.617 for better code section alignment)*

~~((30.66B.640 Transportation demand management – trip reduction credits for construction of onsite design features.))~~

~~((1) A developer required to provide TDM in accordance with this chapter may fully or partially satisfy the requirement by earning trip reduction credits for onsite design features.~~

~~(2) The department of public works will allow a five percent trip reduction credit to any commercial development including multi-family residential deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:~~

~~(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network;~~

~~(b) A safe, convenient pedestrian facility that meets the EDDS that joins the front building entrance(s) directly with frontage improvements;~~

~~(c) A safe, convenient pedestrian facility that meets the EDDS that joins the front building entrance(s) with all other on-site front building(s) entrances;~~

~~(d) A safe, convenient pedestrian facility that meets the EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development;~~

~~(e) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers;~~

~~(f) Where practicable and desirable the use of minimum setbacks to reduce walking distances;~~

~~(g) Where practicable and desirable the placement of vehicle parking to the sides and the rear of the buildings;~~

~~(h) Where practicable and desirable lighting and weather protection for pedestrian facilities;~~

~~(i) For nonresidential developments, secure bicycle parking (preferably covered) spaces located near the front entrance(s) that number at least two percent of the development's calculated p.m. peak-hour trips; and~~

~~(j) For employment sites, signed preferential parking spaces for carpools or vanpools that number at least six percent of any employee parking spaces.~~

~~(3) The department of public works will allow a five percent trip reduction credit to any subdivision or short subdivision for single-family and/or duplex residential units deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:~~

~~(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network;~~

~~(b) A safe, convenient pedestrian facility that meets the EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development;~~

~~(c) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers;~~

~~(d) Where practicable and desirable, lighting and weather protection for pedestrian facilities; and~~

~~(e) An overall density of at least four dwelling units per gross acre.~~

~~(4) On-site features accepted for TDM compatibility in a mitigation proposal and/or measures with area-wide impacts allowed credits pursuant to SCC 30.66B.650(3) must be constructed before any certificate of occupancy or final inspection will be issued.))~~

Section X. Snohomish County Code Section 30.66B.650, last amended by Amended Ordinance No. 07-116 on December 18, 2007, is amended to read:

### **30.66B.650 Transportation demand management - eligibility for additional trip reduction credits.**

(1) ((The department of public works will allow up to two percent additional trip reduction credits to any commercial development, including multi-family residential, for which the

developer agrees to implement a voluntary trip reduction program, has deemed "TDM compatible" for on-site design pursuant to SCC 30.66B.630, and which constructs or incorporates bicycle facilities and reduced automobile parking spaces to the satisfaction of the department of public works.) Development that has implemented the applicable on-site TDM measures in SCC 30.66B.617, will be allowed an additional five percent trip reduction credit if the developer agrees to implement, and the county approves, a voluntarily trip reduction program pursuant to SCC 30.66B.670(1).

~~((2) The department of public works will allow ((an additional five percent trip reduction credit to a development which voluntarily agrees to implement a trip reduction program as per SCC 32.40.))~~

~~((3)) (2) The ((department of public works)) DPW may allow ((to)) a development, on a case-by-case basis, up to five percent additional trip reduction credits for on-site measures with an area-wide impact not used to satisfy requirements under ((SCC 30.66B.650((2))) subsection (1) of this section.~~

Section X. Snohomish County Code Section 30.66B.660, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.660 Transportation demand management – ~~((procedure))~~ requirements for submitting proposal for trip reduction credits or voluntary payment.**

(1) A developer opting to earn trip reduction credits ~~((as provided in SCC 30.66B.640))~~ by constructing on-site TDM measures pursuant to 30.66B.617, shall provide a TDM plan ~~((upon submittal of a development application. The TDM plan will describe))~~ that adequately describes and shows the TDM measures proposed for the development.

(2) A developer ((choosing)) opting to ((construct offsite TDM measures pursuant to)) earn trip reduction credits by constructing off-site TDM measures pursuant to SCC 30.66B.620 ((or making a voluntary payment pursuant to SCC 30.66B.625)) is not required to submit a TDM plan but must submit a written proposal ((pursuant to SCC 30.66B.055)) adequately describing the improvements.

~~((2)) (3) The ((department of public works)) DPW will review the TDM plan or written proposal and determine the amount of trip reduction credits allowed.~~

Section X. Snohomish County Code Section 30.66B.670, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.670 Trip reduction credits - how used.**

(1) Trip reduction credits allowed to ~~((developers))~~ a development will be used in determining the development's traffic impacts. Approved trip reduction credits will be applied against a development's calculated vehicle trip generation ~~((including))~~ which includes the developments a.m and p.m. peak-hour trips ((and ADT)).

(2) The adjusted vehicle trip generation number reflecting approved trip reduction credits may be used to determine one or more of the following:

- (a) Any road system impact fee payment made pursuant to this chapter;
- (b) Impacts for concurrency determinations pursuant to this chapter; or

(c) Peak-hour trips impacting ~~((inadequate road conditions))~~ an IRC pursuant to SCC 30.66B.210(1)~~((; or))~~.

~~(((2) Developers required to provide TDM in accordance with this chapter may use approved trip reduction credits as follows:~~

~~(a) Developers may use trip reduction credits equal to or greater than the minimum required trip reduction percentage to completely satisfy a requirement to provide TDM.~~

~~(b) Developers may use trip reduction credits in an amount less than the minimum required trip reduction percentage to partially satisfy a requirement to provide TDM. Under this option, the amount of the developer's TDM obligation under SCC 30.66B.615 shall be reduced by a factor equal to the development's approved percentage of trip reduction credits divided by the minimum required trip reduction percentage.))~~

(3) TDM measures voluntarily installed in the rural area do not qualify for TDM credit.

Section X. Snohomish County Code Section 30.66B.680, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.680 ~~((Trip reduction program))~~ Transportation demand management - trip reduction program discontinuance.**

~~((A developer or future owner may choose to not implement or to discontinue a trip reduction program, or may cease to maintain onsite design features, by making a payment to the department of public works. The payment shall be equal to the amount of the discount(s) resulting from the initial credit to any road system impact fee payment or any TDM payment made pursuant to this chapter, with adjustments for inflation.))~~ Any owner of a development that has received trip reduction credits through provisions of this chapter who opts to either change or eliminate the on-site or off-site TDM measures such that they no longer meet the requirements of SCC 30.66B.617(2) or (3), or not implement or discontinues the implementation of a trip reduction program meeting the requirements of SCC 30.66B.650, shall be required to:

(1) Make a payment equal to the value of the road system impact fee credit and the value of the TDM obligation that the development was required to but did not pay as a result of the developer voluntarily implementing the TDM measures; and

(2) Recalculate the developments trip generation, trip distribution and, if required pursuant to SCC 30.66B.145, perform a new or recalculated future level of service forecast, and have a new concurrency determination issued pursuant to SCC 30.66B.150.

Section X. Snohomish County Code Section 30.66B.710, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

**30.66B.710 Mitigation ((requirements)) for impacts to state highways.**

When a ~~((development's))~~ developments road system includes a state highway:

~~((1) ((Mitigation requirements for))~~ The mitigation and process for dealing with impacts ~~((on))~~ to state highways and at intersections of county roads with state highways will be established consistent with the terms of an inter-local agreement as authorized by SCC 30.61.230(6), between the county and the ((WSDOT)) Washington State Department of Transportation (WSDOT), rather than by the provisions of this chapter ((;)).

~~((2)) The director of public works will submit to the WSDOT the traffic study and/or any other information relating to the traffic impact of the development, and request a review under the WSDOT's mitigation policy. The WSDOT may review the material and recommend mitigation to the director of public works.))~~

~~((3))~~ (2) The ~~((director of public works))~~ county engineer will review the WSDOT determined mitigation requests and, to the extent that such requirements are reasonably related to the impact of the proposed development, the ~~((director))~~ county engineer shall, as part of the ~~((director's))~~ county engineers recommendation under SCC 30.66B.050, recommend that the requirements be imposed. The approving authority will impose such mitigation measures as a condition of approval of the development in conformance with the terms of the interlocal agreement as specified in SCC 30.61.230(6), between the county and the WSDOT;

~~((4))~~ (3) A development which takes access from or has frontage on a state highway will be required to meet the WSDOT requirements for dedication or deeding of additional right-of-way, provision of access and construction of frontage improvements on the state highway as determined necessary by the WSDOT ((;)) .

~~((5))~~ (4) Any payment to mitigate impacts on state highways must be made at the time specified in SCC 30.66B.340 ((;)) .

~~((6))~~ (5) Construction of improvements to mitigate impacts on state highways is required at the time specified by SCC 30.66B.440 ((; and)) .

~~((7))~~ (6) Right-of-way required for state highways shall be dedicated or deeded at the time specified by SCC 30.66B.540.

Section X. Snohomish County Code Section 30.66B.720, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

**30.66B.720 Mitigation requirements for impacts to city, or town streets and roads in another county.**

When a ~~((development's))~~ developments road system includes city, or town streets or another county's roads:

(1) ~~((Mitigation requirements for))~~ The mitigation and process for dealing with impacts to either city or town streets ((and)) or roads in another county and at intersections of county roads with those city, town streets or county roads, will be established consistent with the terms of an interlocal agreement as authorized by SCC 30.61.230(6), between the county and the appropriate jurisdiction.

~~((2)) The director of public works shall forward to the representative of the appropriate jurisdiction the traffic study and any other information on traffic impact for any development whose road system includes that jurisdiction's streets or roads. The jurisdiction may review the material and recommend mitigation to the director of public works.))~~

~~((3))~~ (2) The ~~((director of public works))~~ county engineer will review the jurisdiction's recommended mitigating measures and to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of the interlocal agreement, the ~~((director of public works))~~ county engineer shall, as part of the ~~((director's))~~ county engineers recommendation under SCC 30.66B.050, recommend that those requirements be imposed. The approving authority will impose such measures as a condition of approval of the development in conformance with the terms of the interlocal agreement ((;)) .

~~((4))~~ (3) A development which takes access from or has frontage on a city, or town street or another county's road will be required to meet the ~~((city's))~~ city, town or county's requirements for ~~((dedication or))~~ deeding of additional right-of-way, provision of access and construction of frontage improvements on the ~~((city's))~~ city or town street or another county's road as determined necessary by the city, town or county ~~((;))~~ .

~~((5))~~ (4) Any payment to mitigate impacts on city or town streets or another county's roads must be made at the time specified in SCC 30.66B.340 ~~((;))~~ .

~~((6))~~ (5) Construction of improvements to mitigate impacts on city or town streets or another county's roads is required at the time specified by SCC 30.66B.440(1) ~~((; and))~~ .

~~((7))~~ (6) Right-of-way required for ~~((cities''))~~ city or town streets or ~~((other counties'))~~ another county's roads shall be dedicated or deeded at the time specified by SCC 30.66B.540.

Section X. Snohomish County Code Section 30.66B.740, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.740 Transportation benefit districts.**

Transportation benefit districts formed under chapter 36.73 RCW will ~~((supersede))~~ supersede the requirements of this chapter ~~((30.66B SCC))~~ where the ordinance forming the district specifically determines and states that the improvements made by the district mitigate the traffic impact of new development on the portion of the road system to be improved by the transportation benefit district. Transportation impacts on the remainder of the development's road system beyond the roads covered by any special district will be mitigated under the requirements of this chapter.

Section X. Snohomish County Code Section 30.66B.750, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

### **30.66B.750 Master road improvement program.**

(1) In areas of high potential for residential, commercial, or industrial development and when the cumulative impact of several new developments could necessitate extensive and costly road improvements, the purposes of this chapter may be facilitated by establishment of a master road improvement program (MRIP).

(2) The ~~((director of public works))~~ county engineer may propose a MRIP designed to resolve problems related to level of service, inadequate road conditions, or public safety. The MRIP, in full or in part, may be considered in determining the requirements of this chapter.

(3) A MRIP shall include:

- (a) A description of the road or roads, or portion thereof included;
- (b) A description of the proposed improvements;
- (c) A financial system, including a plan for calculating the proportionate share of road costs to be contributed by owners, developers, the county, and other jurisdictions;
- (d) A ~~((traffic study))~~ TIA analyzing existing and future conditions anticipated on the road or roads involved;
- (e) Level-of-service thresholds and concurrency management systems which shall not fall below the standards established in the comprehensive plan;

(f) Options for the county council to pursue if the level-of-service thresholds are not maintained or achieved; and

(g) Other factors as determined appropriate.

(4) If the county council concludes that a MRIP adequately addresses the issues of public safety and amelioration of present and future level-of-service problems and/or inadequate road conditions, as required by this chapter, it may adopt all or parts of such program in lieu of satisfaction of one or more of the requirements of this chapter. Once a MRIP has been adopted by the council, the provisions of the above-referenced chapters notwithstanding, the county shall issue a permit or approval for development provided the applicant complies with the provisions of other applicable local ordinances and agrees to comply with the developer obligations in the MRIP. The agreement shall be in written form acceptable to the prosecuting attorney, and filed for record with the county auditor prior to subdivision or short subdivision, or the effective date of any other development approval or permit.

(5) Any developer who chooses not to mitigate the development's traffic impact on roads covered by an MRIP by means of the MRIP, shall be subject to the requirements of this chapter.

Section X. Snohomish County Code Section 30.66B.810, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.66B.810 Application for ~~((deviation))~~ alteration to mitigation or concurrency requirements of this chapter.**

(1) Prior to the issuance of any decision applying requirements of this chapter, ~~((a developer))~~ an applicant may submit a written request to the ~~((director of public works for deviation))~~ county engineer requesting an alteration from mitigation or concurrency requirements of this chapter that ~~((are considered))~~ the applicant asserts to be disproportionate, or not reasonably related, to either the impacts ~~((and/or))~~ or timing of the proposed development. ~~((If the director determines that the purposes of this chapter would be best served by deviation from such requirements, the director shall include as part of the director's recommendation under SCC 30.66B.050, the reason for such deviation and any alternative mitigation measures that are determined to be necessary.))~~ The written request shall include adequate evidence to support the applicants assertion.

(2) The county engineers recommendation to the approving authority pursuant to SCC 30.66B.050 concerning the development, shall include the county engineers recommendation on the request. If the county engineer recommends approval of an alteration, the recommendation may also include any alternative mitigation measures the county engineer determines to be necessary.

~~((2))~~ (3) The approving authority, upon consideration of such a recommendation, shall determine whether the purposes of this chapter would be best served by ~~((deviation))~~ approving an alteration from the requirements of this chapter, and may ~~((permit such deviation and))~~ impose as a condition of approval any alternative mitigation measures that are determined to be necessary and are recommended by the ~~((director of public works))~~ county engineer.

~~((3))~~ (4) Nothing in this section shall be construed to allow a violation of the Growth Management Act.

Section X. Snohomish County Code Section 30.66B.820, last amended by Amended Ordinance No. 10-086 on October 20, 2010, is amended to read:

**30.66B.820 Variations ~~((--))~~ in procedures and requirements for public agencies.**

(1) If the applicant for a development is a public agency, the ~~((director of public works may recommend and any hearing body may allow))~~ agency may submit a written request to the county engineer for a variation of procedures and requirements contained in this chapter ~~((, based on individual location and development circumstances, and the extent to which the proposed development improves services to the public or meets demands for public services due to growth in population and other requirements within the county))~~ that are associated with either the issuance of a building permit or certificate of occupancy on a time frame other than as specified in this chapter. It shall be the responsibility of the public agency to offer adequate evidence that the public interest would be better served based on demands for public services due to growth in population and other requirements within the county and the developments location and individual circumstances.

(2) The county engineers recommendation to the approving authority pursuant to SCC 30.66B.050 concerning the development, shall include the county engineers recommendation on the request. If the county engineer recommends approval, the recommendation may also include any alternative mitigation measures the county engineer determines to be necessary.

~~((2))~~ (3) The county may enter into an interagency agreement with the public agency involved in order to document clearly the special conditions and considerations for development approval. The agreement shall not diminish the mitigation requirements of this chapter ~~((, but may allow for the issuance of a building permit and certificate of occupancy on a time frame other than as specified in this chapter. It shall be the responsibility of the sponsoring public agency to offer adequate evidence to the county that the public interest would be better served under the terms of the special agreement between the parties))~~.

~~((3))~~ In accordance with RCW 36.32.590, a security device shall not be required as a condition of development. However, all requirements shall be fully enforceable and all building permit and/or occupancy restrictions to ensure compliance shall remain in effect.

Section X. Snohomish County Code Table 30.70.050(5), last amended by Amended Ordinance No. 12-023 on June 9, 2012, is amended to read:

**30.70.050 Notice of application - timing and method.**

(1) The department shall provide notice of application within 10 days after a determination that the application is complete as specified in SCC Table 30.70.050(5). Required notice shall be given in accordance with SCC 30.70.045.

(2) A notice of application posted or published in the official county newspaper or provided by mail on a letter/legal size publication shall include the following information:

(a) Date of application, date of completeness determination, and date of notice of application;

(b) Project description, list of permits requested, assigned county file number, and county contact person;

(c) Any information or studies requested by the department;

(d) Any other required permits not included in the application, to the extent known by the department;



- (e) Any existing environmental documents that evaluate the proposed project, including where they can be inspected;
- (f) The date, time, place, and type of public hearing, if applicable and if scheduled at the time of the notice;
- (g) When notice is for a rezone action or development in a performance standard zone, a statement indicating where the full text and/or map of the rezone action may be inspected;
- (h) A statement of when the comment period ends and the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal procedures;
- (i) If determined at the time of notice, those development regulations that will be used for project mitigation or to review consistency; and
- (j) Any other information determined appropriate by the department.
- (3) Mailed notice of application may be provided on a post card.
- (4) A post card notice shall contain the following information:
- (a) project description;
  - (b) project file number;
  - (c) project location;
  - (d) type of project;
  - (e) applicable comment dates and notice of where to submit comments;
  - (f) date the notice of application was published in the official county newspaper;
  - (g) website address providing access to project information; and
  - (h) a department contact

**SCC Table 30.70.050(5)**  
**Notice of Application Requirements**

Application Type	Post	Publish	Mail
Administrative Conditional Use	X	X	X
Binding Site Plan	X	X	X
Building and land disturbing activity permits subject to SEPA	X	X	X
<u>Building permits not subject to SEPA that require either a concurrency determination or the payment of a road impact fee pursuant to chapter 30.66B SCC</u>	<u>X</u>	<u>X</u>	<u>X</u>
Code interpretation not related to a specific project		X	
Code interpretation related to a specific project	X	X	X
Final Subdivision	[see SCC 30.41A.600 - 30.41A.730]		
Flood Hazard Permit - except as provided in SCC 30.43C.020			X
Flood Hazard Variance	X	X	X
Freeway service zone official site plan in existing zone	X	X	X

**SCC Table 30.70.050(5)**  
**Notice of Application Requirements**

<b>Application Type</b>	<b>Post</b>	<b>Publish</b>	<b>Mail</b>
Free-standing sign in FS and RFS zone	X	X	X
SEPA threshold determination and EIS adequacy associated with project permit	X	X	X
Shoreline variance, conditional use, or substantial development permit or permit rescission	X	X	X
Short subdivision and rural cluster short subdivision	X	X	X
Variance	X	X	X
Conditional use and major revision	X	X	X
Preliminary subdivision and rural cluster subdivision, and major revision	X	X	X
Planned Residential Development and major revision	X	X	X
Official site plan or preliminary plan approval in performance standard zones (BP, PCB, IP, FS, T, RB, CRC, RFS, and RI)	X	X	X
Rezone - site specific	X	X	X
Review or revocation of a permit or approval pursuant to SCC 30.71.027	X	X	X
Preapplication Concurrency Decision	X	X	X
Any non-listed Type 1 or Type 2 permit application except Boundary Line Adjustments pursuant to SCC 30.41E.020(1)(c)	X	X	X

Section X. Snohomish County Code Section 30.70.080, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.70.080 Combined notice.**

(1) Public notice for project permit applications, SEPA documents, predecision hearings, and appeal hearings may be combined when practical, where such combined notice will expedite the permit review process, and where requirements of each individual notice are met by the combined notice.

(2) For projects requiring a predecision open record hearing and either a SEPA threshold determination, a concurrency determination or the payment of a road impact fee pursuant to chapter 30.66B, the ((SEPA appeal)) notice shall provide that any appeal, should one be filed, will be heard at the predecision open record hearing. No additional notice of the ((SEPA)) appeal is required.

Section X. Snohomish County Code Section 30.71.020, last amended by Amended Ordinance No. 12-025 on June 6, 2012, is amended to read:

**30.71.020 Type 1 permits and decisions.**

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The following are processed as Type 1 administrative decisions:

- (1) Administrative conditional use permit;
- (2) Binding site plan approval;
- (3) Boundary line adjustment, except as provided in SCC 30.41E.020 (~~(SCC)~~);
- (4) Building and land disturbing activity permits subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D.
- (5) Free standing signs in the FS and RFS zones;
- (6) Code interpretations;
- (7) Flood hazard permit, except as provided in SCC 30.43C.020;
- (8) Flood hazard variance;
- (9) Freeway service zone official site plan (existing FS zone);
- (10) Shoreline substantial development permit, shoreline conditional use, and shoreline variance, except when processed as a Type 2 decision pursuant to SCC 30.44.210;
- (11) Short subdivision approval with no dedication of a new public road right-of-way;
- (12) Variance;
- (13) Single family detached units applications pursuant to chapter 30.41F SCC;
- (14) Administrative site plan pursuant to SCC 30.23A.100; (~~and~~)
- (15) Minor development activities and the expansion of an existing structure containing a permitted use in the UC zone as provided in SCC 30.34A.180(1) that require a permit or land use approval application and are subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D SCC (~~(-)~~) ;
- (16) Pre-application concurrency determination; and
- (17) Concurrency determination associated with other Type 1 permits or decisions pursuant to subsection 15 of this section, or Type 2 permits or decisions.

Section X. Snohomish County Code Section 30.71.040, last amended by Ordinance No. 03-068 on July 9, 2003, is amended to read:

**30.71.040 Type 1 notice of decision.**

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(1) Written notice of a department decision on a Type 1 application shall be mailed to the applicant and all parties of record in the manner prescribed in SCC 30.70.045. Provided, that if there are more than one Type 1 decisions associated with a development, then only one notice of decision listing all of the Type 1 decisions is required. The notice may include a written staff report if one has been prepared.

(2) The notice shall specify the appeal process and time period for filing an appeal.

(3) The county may provide additional public notice of a decision by notifying the news media and community organizations, placing notices in appropriate regional, neighborhood, ethnic, or trade journals or neighborhood/community newspapers, or by publishing notice in agency newsletters or on the county or department web page.

Section X. A new section is added to Chapter 30.91A of the Snohomish County Code to read:

**30.91A.285 Arterial unit at risk.**

“Arterial unit at risk” means any arterial unit that has been determined by the county engineer to be operating at a level of service (LOS) that is close to (or at risk of) being determined in arrears, i.e., 1-2 mph above either LOS F for an urban arterial or LOS D for a rural arterial.

Section X. A new section is added to Chapter 30.91A of the Snohomish County Code to read:

**30.91A.300 Arterial unit, multimodal.**

“Arterial unit, multimodal” (“Multimodal arterial unit”) means an arterial unit which meets the county’s criteria for being supportive of transit, pedestrian, and bicycle modes of transportation. Multimodal arterials have an alternative level-of-service reflecting a higher densities and increased transportation opportunities in these corridors.

Section X. Snohomish County Code Section 30.91D.210, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.91D.210 Development.**

~~"Development" means ((all subdivisions, short subdivisions, conditional or special use permits, binding site plan approvals, planned residential developments, rezones accompanied by an official site plan))~~ the following:

(1) All Type 1 permits not combined with a Type 2 permit, except for a:

- (a) Boundary line adjustment;
- (b) Land disturbing activity permit not accompanied by a site plan;
- (c) Permit issued pursuant to chapter 30.27 SCC;
- (d) Code interpretation;
- (e) Flood hazard permit or variance;
- (f) Shoreline substantial development permit, conditional use, and variance; and
- (g) Variance pursuant to chapter 30.43B SCC;

(2) All Type 2 permits except for a:

- (a) Rezone when not accompanied by an official site plan;
- (b) Shoreline substantial development, conditional use, or variance permit if forwarded pursuant to SCC 30.44.210;
- (c) Shoreline substantial development permit rescission pursuant to SCC 30.44.320; and
- (d) Boundary line adjustment as provided in SCC 30.41E.020; and

(3) All other applications requiring land use permits or approvals by Snohomish County and building permits except for single-family dwellings, attached or detached accessory apartments, ((ø)) duplex conversions, temporary dwellings, or portable classrooms for public K-12 schools.

(4) Development shall also include all such applications that are proposed in other counties or incorporated areas that will impact Snohomish County's public road system.

*This definition applies only to "Road impact mitigation" regulations in chapters 30.24 and 30.66B SCC.*

Section X. Snohomish County Code Section 30.91R.240, last amended by Amended Ordinance No. 12-049 on October 3, 2012, is amended to read:

**30.91R.240 Road system.**

"Road system" means those existing or proposed public or private road network elements whether state, county ~~((or))~~, city or town (including freeway interchanges with county roads ~~((or))~~, city or town streets and the ramps for those interchanges but excluding freeway mainlines), within:

(1) The transportation service area (TSA), as defined by the Snohomish County transportation needs report, in which a development is located, ~~((except))~~ provided, that an adjacent ~~((transportation service area))~~ TSA may apply if determined by the county engineer to be more appropriate where a development has a greater impact on public roads in an adjacent ~~((transportation service area))~~ TSA than in the ~~((transportation service area))~~ TSA in which the development is located; or

(2) The area of another county which is adjacent to the ~~((transportation service area))~~ TSA in which the development is located.

*This definition applies only to ~~((#))~~ "Road impact mitigation regulations" in chapter 30.66B SCC.*

Section X. A new section is added to Chapter 30.91P of the Snohomish County Code to read:

**30.91P.121 Peak hour.**

"Peak hour" ("Peak hour") means that one hour time period in either the AM and PM when the maximum number of vehicle trips that are generated by the development occurs, which is typically for the AM between 6:30 AM and 8:30 AM and for the PM between 4:00 PM and 6:00 PM.

Section X. A new section is added to Chapter 30.91T of the Snohomish County Code to read:

**30.91T.122 Trip, directional peak hour.**

"Trip, directional peak hour" ("Directional peak hour trip") means a vehicle trip that occurs during either the AM or PM peak hour and impacts either a key intersection or an arterial unit determined to be at risk or in arrears in the travel direction responsible for the level of service deficiency.

1 Section X. A new section is added to Chapter 30.91T of the Snohomish County Code to  
2 read:

3 **30.91T.123 Trip, peak hour.**

4 “Trip, peak hour” (“Peak hour trip”) means a vehicular trip occurring during that one hour time  
5 period in either the AM and PM when the maximum number of vehicle trips that are generated  
6 by the development occurs.

7  
8 *This definition only applies to level of service determinations pursuant to chapter 30.66B SCC.*  
9